



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-314763-22

### Development

Enterprise and employment hub including incubator business units/offices and café, community building; childcare facility; 31 no. houses, two vehicular accesses off the Glenree Road, amenity spaces, landscaping, open space, car and bicycle parking, internal roads, footpaths, playground and associated site development works.

### Location

Parknasilloogue, Enniskerry, Co. Wicklow

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

22794

### Applicant(s)

Capami Limited

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

<b>Appellant(s)</b>	Peter Dermot Jordan (Enniskerry GAA Club) Leesha O'Driscoll Roderick O'Mahoney and Margaret Price Friends of Enniskerry and Knocksink Woods
<b>Observer(s)</b>	Breda Maguire
<b>Date of Site Inspection</b>	6 <sup>th</sup> March 2023 3 <sup>rd</sup> January 2026
<b>Inspector</b>	Ian Boyle

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## 1.0 Site Location and Description

- 1.1. The subject site comprises greenfield lands and is approximately 5.1 ha. It is roughly 1km west of Enniskerry village centre and 5.5km west of Bray in County Wicklow. The R117 / N11 Kilcronee Cross interchange is approximately 3km to the east of the site.
- 1.2. The site is bounded on its southern and western sides by the Glencree Road (L1011). The roadside boundaries consist mainly of hedgerows, trees and some small sections of stonewall. There are electrical powerlines running across the site in an east - west direction. The land slopes gradually downwards from west (higher ground) to the east (lower ground) in the general direction of the Glencullen River and Knocksink Wood.
- 1.3. The site surrounds Parknasilloge Court, a small residential housing estate, on its western, northern and eastern sides. Parknasilloge House is further to the north. The house is accessed via an access track which leads off Glencree Road and there is an existing right of way across the land. A further housing estate, called Kilgarron Park, is on the southern side of the public road. St. Mary's GAA Club and playing pitches are a short distance further east.
- 1.4. The lands to the west of the site feature a cluster of mainly detached and semi-detached houses, many of which have long driveways and spacious front gardens. This small townland is called Kilmonlin. There are scenic views from this location along the Glencree Road. The vista faces northwards in the general direction of higher ground, including towards Carrigollgan village and Scalp Mountain.
- 1.5. There is an existing footpath running along part of the southern boundary of the site in the direction of Enniskerry town centre. The path runs from near the southwestern corner of the site as far as Kilgarron Park. Upon reaching a bus stop, the path on this side of the road then ends, and pedestrians are required to cross over to the far side to gain access to another path.
- 1.6. The Knocksink Wood SAC is roughly 200m northeast. It is downslope of the subject lands. There is a potential hydrological link between the appeal site and the SAC by means of groundwater and surface water connections – the latter via the Glencullen River. There are Qualifying Interests associated with this European Site which are

groundwater dependent. The Glencullen River flows for roughly 2.5km before entering the River Dargle. It then runs for a further 3.5km before discharging into the Irish Sea at Killiney Bay.

- 1.7. The character of the surrounding area is a mix of residential housing and greenfield lands. The area is undergoing change and some residential housing estates in the vicinity have been recently built or are nearly completion. The site includes a stretch of the Glenree Road towards the east before it terminates approximately 300m from Enniskerry town centre.

## 2.0 Proposed Development

- 2.1. The proposed development is for the construction of a mixed-use scheme comprising:

- 31 no. dwellings:
  - 8 no. 3-bedroom terraced houses,
  - 5 no. 3-bedroom semi-detached houses,
  - 11 no. 4-bedroom semi-detached houses, and
  - 7 no. 5-bedroom detached houses
- Enterprise and employment hub at the entrance to the proposed development (c. 2,752sqm).
- Community building.
- Childcare facility.
- 2 no. vehicular access points off the Glenree Road.
- public footpath and lighting upgrades along the Glenree Road in the direction of the town centre.

- 2.2. The proposal makes provision through its design and layout for a future school on lands to the east of the application site. However, a new school does not form part of the formal planning application (i.e., red line boundary). Instead, this would be subject to a separate, future planning, as required by the Department of Education.

- 2.3. The proposed development comprises 'Part 1' of a two-part planning application approach. A separate, concurrent appeal is currently before the Commission for consideration (ABP Ref. ABP-314765 refers). This other application is for the construction of 98 no. dwellings and is referred to 'Part 2' in the relevant planning documentation.
- 2.4. Part 1 (subject application / ABP Ref. ABP-314763) mainly comprises the rear (northern) and western sections of the subject lands. It accounts for roughly 24% of the overall proposed residential units.
- 2.5. Part 2 (separate application / ABP Ref. ABP-314765) mainly comprises the front (southern) and central sections of the site. It accounts for roughly 76% the overall proposed residential units.
- 2.6. The overall proposed scheme (Parts 1 and 2) therefore accounts for a total of 129 no. residential units.
- 2.7. Each individual application includes an independent means of accessing each site. This is via Proposed Streets 1 and 3, which lead off the Glenree Road. These access points are therefore included in both planning applications, together with the proposed employment hub, crèche, public open space areas, internal road infrastructure, footpaths, car parking, landscaping works, and other common components. This approach taken by the Applicant would allow each application to be implemented independently, if so required.
- 2.8. The overall scheme is to be connected to the public mains for surface water disposal, water supply, and foul sewer purposes, respectively. It is also intended to utilise the existing public mains on the Glenree Road. A separate foul and surface water system forms part of the application, and a new sewer connection would be constructed. Surface water would be disposed via soakaways across the land which, the Applicant states, is an approach adopted to try and maintain the existing hydrogeological patterns associated with the area.
- 2.9. The subject application (ABP-314763-22) was submitted to the Planning Authority on 18<sup>th</sup> July 2022.
- 2.10. The application was accompanied by several supporting technical drawings, reports, and assessments, including:

- Architectural Drawings and Design Statement
- Engineering Assessment Report and Engineering Drawings
- Building Lifecycle Report
- Construction and Environmental Management Plan
- Site-Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Mobility Management Plan / Travel Plan
- Landscape Report, Outline Landscape Specification and Landscape Drawings
- Arborist Drawings and Report
- Archaeological Assessment (including Test Trenching)
- Natura Impact Statement (NIS)
- Hydrological and Hydrogeological Assessment Report
- Ecological Impact Assessment

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority (PA) issued a Notification of Decision to Grant Permission (NoD) on 9<sup>th</sup> September 2022, subject to 32 no. conditions.

3.1.2. Notable conditions include:

Condition 10(a): The development must be carried out in accordance with the Construction Environmental Management Plan submitted.

Condition 10(b): All recommended measures outlined in the submitted Natura Impact Assessment, Hydrological and Hydrogeological Assessment, Ecological Impact Assessment Report, Bat Survey and Arboricultural Assessment Report are to be implemented.

Condition 11: A Project Ecohydrologist or suitably qualified environmental scientist with hydrogeological experience must be appointed to

carry out Ecohydrological Monitoring of the priority Annex 1 Habitats within the project's zone of influence prior to construction, during the construction phase and at the post construction/operational stage.

- Condition 12: Phasing works regarding delivery of road improvements and childcare facility
- Condition 13: Completion of a Road Safety Audit.
- Condition 14: Final design details of public road improvement works.
- Condition 20: The car park serving the employment hub shall be made available for tourist use during non-business hours.
- Condition 21: The development must be carried out in accordance with the recommendations of the Traffic Impact Assessment.
- Condition 27: The development must be carried out in accordance with the Landscaping Design Statement.
- Condition 31: An archaeological appraisal of the site must be completed and provide for the preservation, recording and protection of archaeological materials or features which may exist on the site.

**[Note:** It is recommended that the above conditions, or a similarly worded version of same, should be included on any Decision by the Commission which grants permission for the proposed development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

- The principle of the proposed development is in accordance with the Bray Municipal District Local Area Plan 2018-2024 ('LAP')
- The site is zoned for residential, employment, community and education, and subject to Action Area 2 of the LAP (AA2). The AAP zoning layout was amended to suit the design proposal and approved by the Council in 2019 and the current layout generally keeps away from the northeastern portion of the site which is nearest to Knocksink Wood SAC.

- The proposed development is in accordance with the development criteria of AA2, which requires:
  - maintaining the existing GAA pitch / club,
  - providing 1.2ha for a school / education use,
  - 0.4ha for community use (including a community centre and playground),
  - 1ha for employment uses (generally comprising office, studio, medical type uses),
  - car parking which would also facilitate tourists during non-business hours,
  - a maximum of 156 no. residential units on the remaining land,
  - phased delivery of the development, such that adequate education, community and employment uses are provided at each stage,
  - a maximum of two vehicular access points from the Glencree Road,
  - variation in design and diversity of housing types,
  - geotechnical and archaeological assessment of the subject lands, and
  - preserving the rate, quality and general areas where groundwater recharge occurs to maintain or enhance the recharge supplying the groundwater-dependent habitats of Knocksink Wood SAC.
- The proposed density is calculated at 19 units per ha (uph), which is considered acceptable.
- The proposed dwelling mix is also acceptable.
- The proposed development due to its height and design would not have an undue negative visual impact on the area and would help to preserve Protected View No. 5 along the Glencree Road.
- The proposed amount and layout of private open space serving the dwellings is acceptable. Potential privacy issues regarding Houses 97 and 99 are considered to be minor and could be addressed via condition requiring redesign.

- The proposed public open space provision and landscaping, boundary treatments, car parking provision, crèche, community building, and employment building are considered acceptable.
- The proposed surface water drainage design is acceptable and has been designed to protect the special interests of Knocksink SAC.
- Public lighting should be designed accordance with the 'guidelines for bats and lighting'.
- A geophysical survey and test trenching of the site and surrounding land has been undertaken. Minor archaeological findings were recorded. The details submitted are acceptable and, subject to condition, no negative impacts are expected.
- The proposed development will alter the access arrangements to lands north of the site. The Applicant has that they will grant the necessary rights of way and access to the owners of the adjoining lands. This is considered a civil matter.
- Having regard to the nature and scale of the development, on a site served by public infrastructure, and which is on zoned lands at the edge of an urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore considered that an Environmental Impact Assessment report for the proposed development is not required.
- The proposed development is subject to mitigation measures outlined in the NIS, and other reports, and would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.
- The proposed development is in accordance with the development criteria of Action Area Plan 2 Parknasilloge as outlined in the Bray Municipal District LAP. It would result in a mixed use development which would enhance service provision of the area and provide a residential development with an acceptable level of residential amenity while not having an undue impact on the amenity of the area.

- It has been demonstrated beyond reasonable scientific doubt based, on the best available scientific evidence, that the proposed development either individually or in combination with other plans and projects, would not adversely affect the integrity of Knocksink Wood Special Area of Conservation, in view of the site's conservation objectives and qualifying interests.
- It is recommended that planning permission is granted for the proposed development.

### 3.2.2. Other Technical Reports

#### Roads Department:

- *30<sup>th</sup> August 2022*: No objection and notes that:
  - Both applications include the same road infrastructure in their red line boundaries.
  - The proposed footpath and pedestrian crossing works (new and improvements) should be completed to the satisfaction of the Council.
  - The existing bus stop facilities on the public road should be improved to current best standards and incorporated into proposed footpath works along the public road.
  - Turning areas should be provided at the end of proposed Streets 1 and 9 to allow for the safe turning of vehicles. The swept path analysis does not show how refuse trucks, etc., can turn around on these roads.
  - A Road Safety Audit (Stages 1-3), road marking and signage details and a public lighting layout and design and should be prepared.
  - The Applicant should reconsider excluding certain parking spaces from being taken-in-charge (TIC) by the Council needs to be addressed. It may be more practicable to either have all parking spaces TIC or alternatively exclude these areas (e.g., the employment hub).
  - The appropriateness of the Council taking in charge farm accesses is queried.
  - Proposed landscaping must maintain sightlines.

MDE (Area Engineer):

- *24<sup>th</sup> August 2022:* Noted the following:
  - Concerns in relation to agricultural traffic and residential traffic sharing a residential street.
  - Concerns whether the Glenree Road provides an adequate link to the village noting gradient, the condition of the footpath, lack of cycle facilities and inadequate drainage and public lighting.
  - The proposed pedestrian improvements are welcome. However, the development should make a special contribution towards the provision of an adequate standard of footpath along the site frontage to the roadside boundary of Kilgarron House on the northside of the Glenree Road.
  - There should be a minimum footpath width of 2m on both sides of a 6m wide two-lane roadway with a suitable pedestrian crossing facility positioned east of Kilgarron House.
  - It does not appear feasible to provide an adequate cycle facility on the Glenree Road between the site entrance and the village. Therefore, a proposal for an off-road segregated cycle and pedestrian route from the site through land in the applicant's control to a suitable point on the R117 adjacent to Knocksink Wood should be considered.
  - There has been little change to the proposed method of surface water drainage compared with the previous planning application which would militate against possible impacts on the petrifying springs at Knocksink Wood. The risk of polluting hydrocarbons reaching the groundwater has not been adequately assessed. The further use nature-based SuDS, such as water gardens, bio-retention tree pits, and swales to remove pollutants and reduce rapid discharge of surface water to ground should be examined.
  - No gully connections to the combined sewer will be permitted. The proposed new surface water sewer in the public road is required to replace the existing open roadside drain (itself to be removed).

[Note: This report was received in relation to the other, concurrent application (ABP-314765; Reg. Ref. 22/789) and therefore, is considered relevant to the overall development proposal.]

Water and Environmental Services:

- *16<sup>th</sup> August 2022*: No objection.

Waste Management Section:

- *15<sup>th</sup> August 2022*: No objection and notes that:

There would be no abstraction of groundwater and only minor alterations to recharge patterns at the site due to the proposed soakaways.

- The quantitative status to the receiving waters will remain unaltered.
- There would be no change to the groundwater or surface water bodies as a result of the proposed development.
- The proposed development does not occur within the defined zone of contribution of the main calcareous springs.
- No groundwater flow will be diverted from the gravel layers within the updated zone of contribution.
- In conclusion, there will be no significant in -combination hydraulic/hydrogeological impacts on the interest of Knocksink SAC as a result of the proposed development and the Waste Management Section have no reason to disagree with this statement.

Housing (Part V):

- *5<sup>th</sup> August 2022*: No objection.

Fire Service:

- *5<sup>th</sup> August 2022*: No objection, subject to conditions.

### 3.3. Prescribed Bodies

National Transport Authority:

- *10<sup>th</sup> August 2022*: No objection, notes the following:

- The proposed pedestrian environment improvements between the proposed development and Enniskerry village are welcomed. However, it is not clear if the proposed works would be sufficient to ensure walking would be safe, convenient and attractive enough for future occupants to walk to the village.
- It is noted that two uncontrolled crossings of the Glenree Road are proposed, the easternmost of which is intended to mitigate the impact of the absence of the footpath on the northern side on the approach to the village.
- There are similar concerns for cycling, and it is noted that the application documentation states that volumes of cyclists will remain low and that those travelling from the west would be able to divert off the Glenree Road to avail of the internal road network – a significant diversion.
- The NTA recommends that further attention be given to walking and cycling as a means of addressing the transport requirements of future occupants in terms of accessing Enniskerry village centre.
- Permission could be granted once the Local Authority is satisfied that the walking and cycling environment between the subject site and the village is safe and attractive for a range of potential users.

An Taisce:

- *23<sup>rd</sup> August 2022.* Notes the following:
  - The previous refusals from An Bord Pleanála (ABP Refs. 304037 and 307211) are noted. These were on grounds relating to hydrological impacts and potential impacts to the Knocksink Wood SAC.
  - There are differences between the NIS and Hydrological and Hydrogeological Assessment Report submitted by the Applicant and the report by EurGeol (via a third party), particularly regarding the zone of contribution for the tufa springs, which are highly sensitive to ground and surface water quality deterioration.
  - The Glencullen River forms part of the Knocksink Wood SAC and has been classed by the EPA as having good status under the EU Water

Framework Directive (WFD) criteria. The groundwater bodies in the vicinity of the site have also been classed as good status. Petrifying springs, as groundwater-dependent ecosystems, come under the ambit of the Water Framework Directive (WFD). The proposal should therefore be assessed against the requirements Article 4 of the WFD to determine whether it may cause a deterioration of the status of surface or groundwater bodies.

- There is a requirement to protect water-dependent Natura 2000 Sites under Article 4(1) – this applies to the Knocksink Wood SAC.
- There must be adequate services and infrastructure to serve the proposed development, including in relation to public transport, walking and cycling, wastewater treatment capacity, shops and amenities and employment.

Department of Housing, Local Government and Heritage:

- *31<sup>st</sup> August 2022:* Notes the following:
  - Comments were made in relation to previous similar applications on the site, including ABP Refs. 302892-18, 308676-20, 312217-21 and 312652-22.
  - The archaeological observations and recommendations relating to the current proposed development remain as previously outlined, and include:
    1. The Department concurs with the findings and recommendations outlined in the Archaeological Impact Assessment with the application.
    2. All features exposed to be archaeologically excavated by hand by a suitably qualified and licensed archaeologist.
    3. Detailed methodologies for archaeological monitoring and excavation to be submitted for consideration in any future archaeological excavation licence application.
    4. A final archaeological report shall be submitted to the Department and Planning Authority.

Uisce Éireann (formerly Irish Water):

- No objection, subject to standard conditions and requirements.

- [Note: No report received in relation to the subject application. However, a report was received for the concurrent application (ABP Ref. ABP-314765-22; Reg. Ref. 22/789) and is considered relevant.]

### 3.4. **Third Party Observations**

The third party observations to the proposal received by the Planning Authority are on file for the attention of the Commission. The issues raised are similar to those set out in the submissions to the Commission, and which are summarised in Section 6 below. I note also that the Planner's Report summarises the main issues raised in the third party observations received by the Council (Pages 12 and 13); and I confirm that I have had regard to this information as part of my assessment.

## 4.0 **Planning History**

### ***Subject Site***

ABP Ref. ABP-314765-22 (Reg. Ref. 22/789): The Planning Authority issued a **Notification of Decision to Grant Permission** in July 2022 for a mixed use scheme comprising 98 no. residential dwellings, an enterprise and employment hub, community building, childcare facility, vehicular access points off the Glenree Road, public footpath and lighting upgrades along the Glenree Road and associated site works. The application site forms part of the subject lands and a small section of adjacent lands. The Decision was appealed and is now before ACP for consideration.

[This application represents Part 2 of a two-part planning application approach being employed by the Applicant to deliver a total of 129 no. residential units on the overall subject lands (see Section 2.0 above).]

ABP Ref. 312652-22: An Bord Pleanála **granted** permission in October 2022 for a strategic housing development comprising 219 no. residential units (135 houses and 84 duplex / apartment units), crèche and associated site works.

Subsequently, the High Court quashed the Decision of An Bord Pleanála to grant permission for the proposed development after a judicial review process was concluded.

I note that Core Ground 2 was in relation to the issue of ‘material contravention / phasing’ whereby the Bray Municipal District Local Area Plan 2018-2024 (‘LAP’) states that a development on the site “shall be delivered in phases such that adequate education, community and employment facilities are provided for each phase”. (emphasis added). The Judgement states that the proposed development did not comply with this requirement and, as a consequence, an order of certiorari against the Board was issued, thus, quashing the Decision. The issue of Material Contravention of phasing of the development is addressed in further details under Section 7.1 below. [The Judgement of Ms. Justice Emily Farrell was delivered on the 3<sup>rd</sup> of October 2025.]

ABP Ref. 312217-21: The Applicant **withdrew** an application in January 2022 for a strategic housing development comprising 219 residential units (135 houses and 84 duplex / apartments units, crèche and associated site works.

ABP Ref. 308676-20: An Bord Pleanála provided a **Direction** in January 2021 for a strategic housing development comprising 219 no. residential units (135 houses and 84 duplex / apartment units), crèche and associated sites works stating that an Opinion should issue for the proposed development in accordance with the Inspector’s recommendation.

ABP Ref. 307211-20: An Bord Pleanála **refused** permission in September 2020 for a strategic housing development comprising 219 no. residential units (135 houses and 84 duplex / apartment units) and a crèche facility, due to deficiencies in the information provided in the Applicant’s Natura Impact Statement (NIS) and that the Board was not satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of the Knocksink Wood SAC.

ABP Ref. 304037-19: An Bord Pleanála **refused** permission in July 2019 for a strategic housing development comprising a 218 no. residential units (134 houses and 84 apartments), crèche and associated site works due to deficiencies in the documentation submitted as part of the application, including that of the NIS, and accompanying engineering and hydrogeology reports, such that a full understanding of the hydrogeology of the lands was not possible and that it could not be

established, beyond scientific doubt, that the proposed development would not adversely affect the integrity of the Knocksink SAC.

### ***Surrounding Area***

The surrounding area comprises mainly existing open countryside and residential development. The appeal site is within a peri-urban setting, and the locality is characterised by a mix of one and two-storey houses spread across mostly detached, semi-detached and terrace houses.

Reg. Ref. 21/1533: The Planning Authority **granted permission** in January 2024 for the construction of 74 houses and 10 sheltered housing units with associated site development works.

## **5.0 Policy Context**

### **5.1. Wicklow County Development Plan 2022-2028**

- 5.1.1. The Wicklow County Development Plan 2022-2028 ('County Development Plan') has been in effect as of 23<sup>rd</sup> October 2022.

#### Variation 2

- 5.1.2. The subject lands fall within the boundary of the Bray Municipal District Local Area Plan 2018-2024 ('LAP'), which is referred to below under Section 5.2 of my report.
- 5.1.3. The LAP expired in 2024. However, Variation 2 to the CDP came into effect on the 12<sup>th</sup> May 2025. The variation brought existing LAPs in County Wicklow into the Wicklow County Development Plan, and which had the effect of extending their respective lifespans. This is to cover the duration of time it takes the PA to prepare new Plans.
- 5.1.4. Section 5.0 of Variation 2 states that *'the existing Local Area Plan will remain in place until that LAP is superseded by a new plan'*. The foreword section of the Variation also states that the Bray Municipal District Plan ('LAP') is currently under review (2025) and that it will be included – as part of the CDP – upon adoption.
- 5.1.5. I note that the review of the Bray Municipal District Local Area Plan 2018 – 2024, and the preparation of a new plan, is now currently underway having been commenced on 20<sup>th</sup> November 2024.

## Chapter 2: Overall Strategy

### **SCO1: Sustainable Settlement Patterns & Compact Growth**

*The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.*

### **SCO5: Sustainable Mobility**

*The County Development Plan plays an important role in influencing a reduction in GHG emissions by guiding the sustainable growth of the County. The integration of land use and transportation planning, in order to support sustainable mobility and encourage a shift away from the private car to active travel (walking and cycling) and public transport, will deliver improvements in terms of quality of life and climate change.*

## Chapter 4: Settlement Strategy

- Enniskerry is a Level 4 Self-Sustaining Town under the Development Plan.
- Self-Sustaining Towns require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. There is a strong emphasis on aligning population growth with employment growth to make these towns more self-sustaining and capable of accommodating additional growth in the future.
- Some of these settlements have experienced significant housing growth in recent years and are now in need of catch-up facilities and employment growth. There is potential to pursue further placemaking improvements within the town centres to create a stronger urban structure, deliver improved community and recreation facilities, strengthen the towns' identities and sense of place and provide for a high quality of life.
- Delivering compact growth, regeneration and revitalisation of the town centre is a key priority. Sustainable mobility should be facilitated and promoted as part of any new development within these settlements. Proposals for regeneration and renewal should be heritage led where possible and informed by healthy placemaking.

**CPO 4.2**

*To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.*

**CPO 4.6**

*To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.*

**CPO 4.13**

*To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.*

**Chapter 6: Housing****CPO 6.1**

*New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.*

**CPO 6.3**

*New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.*

**CPO 6.5**

*To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:*

- Strengthening the character and urban fabric of the area;
- Reinforcing local identity and sense of place;
- Optimise the opportunities afforded by the historical and natural assets of a site / area;
- Providing a coherent, legible and permeable urban structure;
- Promoting an efficient use of land;
- Improving and enhancing the public realm;
- Conserving and respecting local heritage;
- Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;
- Promoting accessibility for all; and
- Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.

#### **CPO 6.7**

*The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013)*

**Section 6.3.5** of the County Development Plan is in relation to ‘**Higher Densities**’. It states that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. The capacity of a site to absorb higher densities is influenced by a range of factors including the local setting, development context, neighbouring uses, access, topography etc. The preparation of a design statement, including a detailed contextual and site analysis, will help determine a site’s capacity and the appropriate density.

## Chapter 9: Economic Development

### **CPO 9.8**

*To promote and facilitate the development of employment generating uses that maximise Wicklow's locational strengths along the east coast 'strategic transport corridor' and the potential of the 'Leinster Outer Orbital Route'.*

### **CPO 9.18**

*To promote and facilitate the development of large-scale employment generating developments, including industrial, knowledge, high-technology, office and service based and science space developments, at appropriate locations.*

### **CPO 9.23**

*To encourage and facilitate the development of small to medium scale indigenous industries and services at appropriate locations within all Level 1-8 settlements. The Council will require the provision of incubator/starter units in all major planning applications on employment zoned land. The Council acknowledges that the development of small scale projects with long term employment potential are important in sustaining both urban and rural settlements in County Wicklow and as such, the Council will adopt a proactive and flexible approach in dealing with applications on a case-by-case basis.*

## Volume 3, Appendix 1: Development and Design Standards

- The County Development Plan, under 'Volume 3 - Appendix 1 – Development Design Standards', sets out the requirements with respect to development and design standards. It sets out the principal factors that should be considered in the design of new development, including residential development.

## Other Relevant Chapters

Chapter 12: Sustainable Transportation

Chapter 17: Natural Heritage and Biodiversity

Chapter 18: Green Infrastructure

Chapter 20: Implementation and Monitoring

## 5.2. Bray Municipal District Local Area Plan 2018-2024

### Variation 2 of the Wicklow County Development Plan 2022-2028

- 5.2.1. As noted above, the Bray Municipal District Local Area Plan 2018-2024 ('Bray LAP' / 'LAP') remains the relevant statutory plan in this case. The Bray LAP expired in 2024. However, subsequently, Variation 2 to the CDP came into effect (12<sup>th</sup> May 2025). This brought existing LAPs in County Wicklow under the remit of the Wicklow CDP and extended their respective lifespans, until such time new LAPs could be prepared and adopted by the Council.

### Zoning

- 5.2.2. The Bray Municipal District Local Area Plan 2018-2024 ('LAP') was adopted on 14<sup>th</sup> May 2018 and took effect on 10<sup>th</sup> June 2018. The LAP is to be read in conjunction with the Wicklow County Development Plan 2022-2028 ('Development Plan'), which itself took effect on 23<sup>rd</sup> October 2022.

- 5.2.3. The Enniskerry Town Plan 2018-2024 Land Use Map was amended under the Wicklow County Development Plan 2022-2028. It is included under Appendix 11 of the Development Plan as Map 3. The amendment refers to a change in zoning from 'OS2 - Passive Open Space' to 'AG – Agriculture' for a plot of land north of Enniskerry, near Monastery, and outside the settlement boundary for the Bray Municipal District.

- 5.2.4. Three land use zoning objectives apply to the subject lands, as follows:

1. **R20 'New Residential'** – Applies to the majority of the site and is shaded yellow on the Zoning Map.
2. **E1 'Employment'** – Applies to a small central section of the site and is shaded purple on the Zoning Map.
3. **CE 'Community & Education'** – Applies to a section of the site directly east of the E1 zoned lands and is shaded light blue on the Zoning Map.

### *R20 'New Residential'*

- Objective: To protect, provide and improve residential amenities at a density up to 20 units/ha.

- Description: To facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

#### *E1 'Employment'*

- Objective: To provide for the development of enterprise and employment.
- Description: To facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment.

#### *CE 'Community & Education'*

- Objective: To provide for civic, community and educational facilities.
- Description: To facilitate the development of necessary community, health, religious, educational, social and civic infrastructure.

#### Action Area 2 – Parknasilloge

- 5.2.5. The LAP states that this Action Area Plan is west of Enniskerry town centre and immediately north of Kilgarron housing development in the townland of Parknasilloge. It measures roughly 13.5ha. The area shall be developed as a residential, open space, employment and community zone in accordance with criteria set out on Page 61 to 62 of the LAP (see Appendix G for full list of the relevant criteria). The overall development proposal (i.e., both concurrent planning applications) comprises the majority of AAP2.
- 5.2.6. I note the Planner's Report (Page 5) states that the Action Area Plan was agreed by the Council on 14<sup>th</sup> November 2017 and subject to phasing controls in terms of the delivery of residential units, a school site, village green, employment and community uses (including a community centre). The Planner's Report also states that the AA zoning layout was amended to suit the design proposal and approved by the Council in 2019. However, it is noted that the subject development proposal has had to change along the eastern side of the site due to site investigations carried out to gain

a better understanding of the hydrogeology of the subject lands and the surrounding vicinity, particularly on its eastern and northeastern sides.

#### Green infrastructure Objectives Specific to AA2

5.2.7. Objective GI5 seeks to promote the development of a series of major open spaces and recreational areas linked by green corridors where feasible (see Map GI1), in the Bray MD area as follows:

- A linked area from Enniskerry GAA through the open space in Action Area 2 connecting to Knocksink Wood / Glencullen River through the Bogmeadow recreational area and onto the Cookstown River.

#### Enniskerry Specific Housing Objectives

5.2.8. The LAP has specific housing objectives for the Enniskerry area, including Objectives R6 and R7. The objectives state that the maximum size of any single housing estate should be 60 units and a full range of units sizes, including one and two-bedroom units, should be provided in all new housing areas, with no more than half of the units in any development featuring more than three bedrooms or 125sqm in size.

#### Section 4.3 Enniskerry Specific Economic Development Objectives

*'...There are limited employment opportunities in the town, other than those presented by the tourism industry, retail, education and other town centre type services. This plan will therefore make provision for the development of a small business park / employment zone in **Action Area 2** which will cater for high quality office / surgery / studio type employment and local service employment (emphasis added)...'*

- Objective EE1 seeks to maintain the existing level of land in employment use in the form of service based employment and tourist based activities in Enniskerry.
- Objective EE2 is to provide c. 1ha of employment lands in the form of high-quality office / surgery / studio type employment and local service and incubator businesses in Action Area 2 (emphasis added).

## Chapter 10 – Key Development Areas

Chapter 10 of the LAP states that the position, location and size of the land use zonings shown on plan maps for the key development areas are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria set out for the Action Area Plan lands.

### **5.3. Project Ireland 2040: National Planning Framework, 2018**

The following National Planning Policy (NPO) objectives are considered relevant:

- NPO 13 provides that in urban areas, planning and related standards, including height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 33 is to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### **5.4. Other National and Regional Policy**

- Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines')<sup>1</sup>
- Sustainable Urban Housing: Design Standards for New Apartments, 2022 ('Apartment Guidelines')
- Design Manual for Urban Roads and Streets, 2019 ('DMURS')
- Project Ireland 2040: National Planning Framework, 2018

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<sup>1</sup> The Guidelines replace the 'Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities, 2009'.

- Urban Development and Building Heights Guidelines for Planning Authorities, 2018
- BRE Guide: Site Layout Planning for Sunlight and Daylight, 2011
- Architectural Heritage Guidelines for Planning Authorities, DAHG (2011)
- Childcare Facilities: Guidelines for Planning Authorities, 2001
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 ('RSES')

## 5.5. Natural Heritage Designations

The subject site is not directly located within a European Site.

The Knocksink Wood SAC (Site Code: 000725) is roughly 200m to the northeast.

The Ballyman Glen SAC (Site Code: 000713) is roughly 1.5km to the northeast.

The Wicklow Mountains SAC (Site Code: 002122) is roughly 2.2km to the west.

The Wicklow Mountains SPA (Site Code: 004040) is roughly 2.7km to the west.

The Bray Head SAC (Site Code: 000714) is roughly 5.8km to the east.

The pNHA Knocksink Wood (Site Code: 000725) is roughly 200m to the northeast.

The pNHA Powerscourt Woodland (Site Code: 001768) is roughly 400m to the southwest.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. ACP has received four third party appeals, some include supporting technical reports and expert submissions as appendices.

6.1.2. The appeals are from:

- Leesha O'Driscoll
- Friends of Enniskerry and Knocksink Woods (Joesph Wilson)
- Enniskerry GAA Club (Peter Dermot Jordan)

- Roderick O'Mahoney and Margaret Price

6.1.3. The main grounds of appeal can be summarised as follows:

*Appropriate Assessment, Biodiversity and Protection of the Environment*

- The Planning Authority's (PA) conclusion that the proposed development would not adversely affect the integrity of Knocksink Wood Special Area of Conservation is fundamentally flawed.
- The PA's Appropriate Assessment is invalid as it cannot conclude with certainty that the proposed development would not adversely affect the integrity of Knocksink Wood SAC in light of its conservation objectives. In this regard, the PA has failed to consider various expert opinions, rejected information in certain interdepartmental reports, and disregarded the baseline habitat information regarding qualifying interests.
- The hydrology reports submitted by the Applicant have not provided sufficient information with regard to 'petrifying springs with tufa formation' (a Qualifying Interest of the Knocksink Wood SAC).
- The report prepared by Dr. Robert Meehan states there is uncertainty regarding the zone of contribution (ZoC) towards the tufa springs which are downgradient of the subject lands. If there is uncertainty regarding the ZoC, then the entirety of this Annex 1 Habitat has not been identified, and potential impacts cannot be assessed. In summary, the conservation objectives for Knocksink Wood SAC therefore cannot be met.
- The application proposes inadequate AA mitigation measures in relation to drainage, SuDS, soakaways and other potential anthropogenic influences.
- Additional hardstand and impermeable surfaces could significantly alter groundwater conditions.
- Some SuDS measures rely on homeowner maintenance, such as water butts and drains remaining unblocked. Such measures do not always function without fault and are key to the Applicant's (flawed) remedial approach to mitigate impacts on the SAC.
- The current hydrological regime must not be altered anthropogenically.

- There is no assessment of potential anthropogenic pressures being placed on the Old Sessile Oak Woods (Knocksink Wood SAC), including increased likelihood of footfall, trampling and soil erosion due to increased human activity.
- The potential for significant in-combination effects, alongside other recently permitted and constructed developments in the wider area, cannot be ruled out on the SAC.
- The Applicant has not demonstrated with 100% scientific certainty that the solutions proposed would mitigation damage to the SAC.

#### *Drainage and Groundwater*

- The Planning Authority through issuing a NoD to Grant Permission is in breach of the Bray LAP which has ‘the requirement to maintain the rate, quality and general areas where groundwater recharge occurs in order to maintain or enhance the recharge supplying the groundwater-dependent habitats of Knocksink Wood SAC’.
- The proposed development and SuDS measures will not be able to maintain the rate, quality and general areas where groundwater recharge currently occurs.
- The proposed development would likely alter the intricate groundwater systems feeding the petrifying springs which are very sensitive to disturbances in the land.

#### *Impact on Enniskerry Village Centre*

- Enniskerry Village is a historic Victorian village which is constrained in terms of expansion by existing topography, environmental sensitivity and narrow, rural roads.
- Enniskerry is not a growth town. It is a Level 3 Self-Sustaining Settlement as per the Wicklow Settlement Strategy where such forms of development are not appropriate.
- It does not have the capacity to become an ‘urban area’ without destroying its unique features.

- There are concerns re: noise, traffic, parking and impacts on biodiversity, rural character, removal of hedgerows and the rural landscape.

#### *Traffic, Roads and Access*

- The road gradient is unsuitable for a development of this scale and density.
- Only a small number of residents would walk or cycle to the village and there is insufficient space to upgrade the existing pedestrian footpath to make it safe for children.
- The proposed development together with new developments in the area, such as the Sitka Wood and Redwood housing estates, would increase the number of houses on the western approach to the village centre and lead to congestion and traffic safety issues.
- The additional traffic would place an intolerable burden on the local road network with resultant traffic levels becoming unsustainable.

#### *Previous Applications*

- Two previous applications for Strategic Housing Development (SHD) were refused on the site due to deficiencies in the Natura Impact Statement submitted by the Applicant.
- A third SHD application was withdrawn as it omitted any consideration of the site specific conservation objectives or a bat survey.
- The proposal fails to address these previous concerns and should be refused.

#### *Procedural*

- The Planning Authority (PA) Decision has erred in law as it has failed to apply or take any cognisance of the Site Specific Conservation Objectives for the Knocksink SAC in their AA.
- The PA is in breach of Article 6(2) of the Habitats Directive as it has not properly considered the suboptimal conservation status of two of the three Annex 1 qualifying interests in the Knocksink Wood SAC (Petrifying Springs and Alluvial Forest).

- The PA Decision is therefore invalid as it is based on an Action Area Plan (AAP) which has been superseded and which was never subject to AA.
- The PA has failed in its an obligation to properly consider this development proposal, and which would lead to a deterioration of protected habitats.

#### *Other Issues*

- Proposal would set a precedent for further largescale incongruous development.
- The proposal would result in negative visual impacts being incurred by the surrounding area, particularly on protected viewpoint along the L1011.
- The natural character of Enniskerry village and its economic viability as a tourist destination would be destroyed.
- Water pressure is already very low in this area.
- The future expansion needs of the local GAA club need to be addressed.

## **6.2. Applicant Response**

The Applicant lodged an Appeal Response on 7<sup>th</sup> November 2022. The response is accompanied by several supporting assessments and appendices, which are in relation to the following themes and issues raised by third parties:

- Hydrology and Hydrogeology,
- Appropriate Assessment,
- Ecology (including bats),
- Traffic, surface water drainage, foul drainage, and water supply,
- Legal interest and roads and services layout,
- Landscape and visual impact,
- Photomontages, and
- EIA screening.

The appeal response includes the main following points:

### *Initial Comments*

- Three of the supporting reports appended to the appeals have elements which have not been drafted with specific reference to the proposed development (Apem Ltd, Marston Planning Consultancy Ltd and Martin Peters Associates). These reports instead mainly relate to the previous, permitted SHD application and should be considered in this light.
- The application is not reliant on any Action Area Plan (AAP) (a non-statutory plan) and the proposed land uses are in accordance with the adopted Bray LAP. There is an AAP contained within the LAP, and the LAP has been the subject of an Appropriate Assessment and Strategic Environment Assessment.
- The suitability of the site for residential development is established by its land use zoning for residential purposes under the Bray LAP. In zoning the land for these uses, the Planning Authority assessed the nature of the site as part of the Strategic Environmental Assessment (SEA) for the Bray LAP (2018-2024) in order to ascertain the suitability of the land to accommodate such development.

### *Appropriate Assessment and Hydrogeology*

- The submission by the Department of Housing, Local Government and Heritage was made on a previous application (not the current application).
- No submissions by any prescribed bodies formally object to the proposed development.
- The site specific conservation objectives for Knocksink SAC are addressed in the NIS accompanying the application and appeal response by Scott Cawley.
- A full Hydrogeological Assessment has been prepared by Hydro-Environmental Services (HES). This fulfils the Bray LAP requirement for completing this type of study.
- An NIS and Ecological Impact Assessment have also been completed which support the development proposal.

### *Visual Impact*

- A Landscape and Visual Impact Assessment (LVIA) accompanies the appeal response and is informed by a series of photomontages. The Planning Authority completed a detailed assessment of the potential for visual impact and had no concerns.
- An Bord Pleanála also completed an assessment on landscape and visual impact for the permitted SHD application on the site and had no significant concerns.

### *Traffic and Connectivity*

- A detailed Traffic and Transport Assessment (TTA) has been completed for the development of the full masterplan plans, including housing, community facilities, and school provision on the site.
- The TTA concludes that the existing road network can accommodate the predicted increase in traffic levels.
- The proposed pedestrian infrastructure improvements between the appeal site and Enniskerry town centre are consistent with the permitted SHD and would be a positive contribution to the overall wider population.

### *Expansion of GAA Grounds*

- The existing Enniskerry GAA Club is not affected by the proposed development.
- The potential expansion or relocation of the GAA Club is therefore a matter for the club.

### *Legal Agreements*

- The issues raised in relation to legal land agreements and rights-of-way are a matter for the courts and outside the realm of planning control.
- The Planning Authority reached a similar conclusion.

### *Construction Impacts*

- The CEMP addresses the concerns raised regarding impacts associated with the construction phase.

### *Overlooking*

- The proposed site layout has been carefully considered by the project architect to ensure no negative overlooking of adjoining properties.
- The rear gardens of the proposed development backing onto existing properties have a minimum depth of 11m.

### **6.3. Observations**

- 6.3.1. A single observation was received by ACP (Ms. Breda Maguire). Many of the issues raised are covered in the grounds of appeal made by other parties and reiterate concerns in relation to roads and traffic, pedestrian and cyclist safety, legal authority of the applicant to make the application, land agreements and rights-of-way, phasing of development, and drainage.

### **6.4. Further Responses**

- 6.4.1. The Commission received a further response from Ms. Leesha O'Driscoll (dated 21<sup>st</sup> December 2022).

- 6.4.2. The following main issues are raised:

- The Applicant's Response raises similar points previously made by the Applicant in their other submissions and correspondence. It does not engage with the facts or grounds of appeal.
- The appeal is grounded on the same facts, science and law that apply to the previous SHD permission, and this information is also relevant to the subject development proposal.
- This fundamental objection is that there is insufficient information available to be able to conclude that the natural hydrogeology of the lands will not be adversely affected, such that the recharge supplying the groundwater dependent habitats of Knocksink Wood SAC will be able to be maintained.
- The submission by the Department of Housing, Local Government and Heritage (DHLGH) (dated 10<sup>th</sup> March 2022) made in relation to the previous SHD application is relevant. It states that it has not been shown beyond

reasonable scientific doubt that this development will not have adverse effects on the Knocksink Wood SAC. This in light of the site's conservation objectives and, particularly in relation to the Petrifying Springs' Conservation Objective(s).

- The Hydrological and Hydrogeological Assessment shows discontinuous sand and gravel layers interspersed with dense clay and silt subsoils underlying the site. The report has not ruled out the possibility that the sand and gravel units could act as preferential pathways for groundwater flow to the otherwise small catchments.
- The DHLGH states that it is because the sand and gravel units have not been mapped and one cannot know if they would be able to be avoided during the construction and operational phases of the development. However, this could have to be avoided *'to reduce the risk of catchment alteration and to ensure that pathways for groundwater flow are maintained and groundwater continues to flow unimpeded'*.
- The Hydrological and Hydrogeological Assessment demonstrates in the site investigations the sand and gravel layer exist and are not homogenous. There is a wide range of infiltration values, some springs are calcareous, and others are not. The lack of a clear pathway delineation means there is scientific doubt on how the proposed development would adversely affect Knocksink Wood SAC.
- Wicklow County Council does not have the resources, or the intention, to proactively maintain the proposed SuDS system. Therefore, the development would adversely affect Knocksink Wood SAC and be in clear breach of EU law.
- The information contained in Dr. Meehan's report (appended to original appeal) was not before ACP in the previous SHD Application.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and having inspected the site, and in having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design and Residential Amenity
- Hydrogeology, Hydrogeology and Drainage
- Traffic and Transport
- Other Issues
- Appropriate Assessment

### 7.1. Principle of Development

#### ***Background***

- 7.1.1. The planning application, which is 'Part 1' of an overall proposed scheme, comprises the rear (northern) and western sections of the subject lands. It is for 31 no. residential units, an enterprise and employment hub, community building, childcare facility, two vehicular access points (off the Glencree Road), various public footpath and lighting upgrades along the Glencree Road, in the direction of the town centre, and ancillary site works. [There is also provision made for a future school in the eastern part of the site. It is envisaged that this would subject to a separate planning application and as required by the Department of Education.]
- 7.1.2. 'Part 2' of the scheme, is a separate, but related and physically interlinked planning application. It comprises the front (southern) and central sections of the overall appeal site. The proposal is for 98 no. residential units and shares many of the other components referenced above by way of including them in the red line boundary for each application. The Part 2 application is also currently before the Commission for consideration under appeal (ABP-314765-22 refers).

- 7.1.3. I note that the Part 1 application accounts for roughly 24% of the overall proposed residential units. Part 2 accounts for c. 76%. The scheme inclusive (Parts 1 and 2) therefore seeks permission for 129 no. residential units.
- 7.1.4. The Bray Municipal District Local Area Plan 2018-2024 ('LAP') took effect on 10<sup>th</sup> June 2018 and is the relevant statutory plan for the site and surrounding area. The LAP is to be read in conjunction with the Wicklow County Development Plan 2022-2028 ('Development Plan'), which itself took effect on 23<sup>rd</sup> October 2022.
- 7.1.5. The Enniskerry Town Plan 2018-2024 Land Use Map was amended under the Wicklow County Development Plan 2022-2028. It is included under Appendix 11 of the Development Plan as Map 3. The amendment relates to a change in zoning from 'OS2 - Passive Open Space' to 'AG – Agriculture' for a plot of land north of Enniskerry, near Monastery, and outside the settlement boundary for the Bray Municipal District.

### **Zoning**

- 7.1.6. I note that three land use zoning objectives apply to the subject lands, which are as follows:
- R20 'New Residential' – Applies to the majority of the site and is shaded yellow on the Zoning Map.
  - E1 'Employment' – Applies to a small central section of the site and is shaded purple on the Zoning Map.
  - CE 'Community & Education' – Applies to a section of the site directly east of the E1 zoned lands and is shaded light blue on the Zoning Map.
- 7.1.7. I further note that the corresponding objective for each zone below:
- R20 'New Residential' seeks to protect, provide and improve residential amenities at a density up to 20 units/ha.
  - E1 'Employment' seeks to provide for the development of enterprise and employment.
  - CE 'Community & Education' seeks to provide for civic, community and educational facilities.

7.1.8. The proposed layout of the overall development is generally consistent with the zonings across the site. However, I note that since the zoning layout was applied by the Council in 2019 further hydrogeological investigations were undertaken to assess potential impacts on the nearby tufa spring habitats in Knocksink Wood. The main part of the scheme is focussed away from the northeast corner of the site, which is further from the Knocksink Wood SAC. As a result, the scheme layout was required to be modified slightly, is in accordance with the zoning controls for the site, in my opinion.

***Compliance with Action Area Plan 2: Parknasilloogue***

7.1.9. The development site is subject to a site-specific Action Area Plan (AAP), entitled ‘AAP2: Parknasilloogue’, as per the Bray LAP. The AAP applies to the entirety of the development site, but also includes adjoining plots of land to the north, northwest and the grounds of St. Mary’s GAA club to the east. These lands are in separate ownership and do not form part of the red line boundary for the overall development proposal. [A land ownership map is shown on Page 4 of the Applicant’s Planning Report, dated July 2022.]

7.1.10. I note that the LAP, under Table 3.2, identifies that the AAP lands have the potential to deliver 156 residential units. To reiterate, the overall development proposal is for 129 no. residential units. The LAP also includes several strategic objectives, as set out on Pages 61 – 62, which seek to coordinate the future development of the site for residential, open space, employment and community purposes in accordance with specific criteria. This is based on various factors, including the applicable land use zoning objectives, phasing requirements, quantum of development, and environmental / conservation considerations – the latter having particular regard to the groundwater-dependant habitats in the nearby Knocksink Wood SAC (Site Code: 000725). [I note that this issue, and the matter of Appropriate Assessment, is further considered under Section 7.3 of my report below, and by the report compiled by the Inspectorate’s Senior Scientist in relation to Hydrology and Hydrogeology, see Appendix G).

7.1.11. I note that the Applicant prepared an itemised response as part of their planning application responding to each of the development criteria for AAP2. The Planning Authority also assessed the proposal in this manner, ultimately noting that the

proposed development is in accordance with applicable Action Area Plan requirements. In this regard, Wicklow County Council (WCC) considered that the proposal would enhance the service provision of the area and provide a residential development with an acceptable level of amenity, while not having an undue (negative) impact on the amenity of the surrounding vicinity. The Planning Authority also found that the Applicant had demonstrated beyond reasonable scientific doubt, based on the best available scientific evidence, that the proposed development either individually or in combination with other plans and projects, would not adversely affect the integrity of Knocksink Wood SAC, in view of the site's conservation objectives and qualifying interests.

7.1.12. I have reviewed the Planning Reports, and supporting documentation, which inform of the overall planning applications (Parts 1 and 2). I note that the Applicant has set out how they consider the overall proposal complies with the relevant local planning policy requirements, related objectives, and AAP2 criteria. The current application (Part 1), together with the concurrent application (Part 2), would result in the majority of the AAP2 lands being developed. The proposal is supported by a well-considered and thorough design response, in my view, and underpinned by detailed assessment work in the leadup to making each application with the PA. There are also further assessments which form part of the Applicant's appeal response.

7.1.13. My assessment of the proposed development against the specific criteria for AA2 is summarised as follows:

Criterion 1

- *A minimum area of 2ha shall be reserved as Active Open Space (this is the size of the area currently occupied by Enniskerry GAA). In the event of the relocation of the GAA to an alternative location, this quantum of AOS shall, as a minimum, be maintained within the overall action area.*

*Response*

7.1.14. The proposed development does not seek to relocate or displace the existing GAA grounds to the east (c. 2ha). I also note the Applicant's Response which confirms they are unaware of any potential relocation plans by the GAA and that there is no information supporting such a move in the third party submission to the Commission by Enniskerry GAA Club.

7.1.15. I am therefore satisfied that the GAA Club is likely to remain in its current location and that there is no requirement for the Applicant to provide the active open space referenced in AAP2.

I am satisfied that this criterion has been met.

#### Criterion 2

- *A minimum of 1.2ha shall be reserved for education use.*

#### *Response*

7.1.16. I note that a 1.2ha site has been identified on the planning application documentation, including the Site Location Map and Proposed Site Plan ('site for future school, subject to separate planning application 1.2 hectare'). The Applicant states that the Department of Education and Skills has advised that they do not currently require the land for a school in the immediate area, but that it may potentially be needed at a later date for such a purpose.

7.1.17. I am satisfied that this criterion has been met.

#### Criterion 3

- *A minimum of 0.4ha shall be provided for a community uses, including a community centre of not less than 500sqm and an equipped playground of not less than 400sqm.*

#### *Response*

7.1.18. I note that the proposed development provides for a crèche and community building in the northeastern part of the overall site (3.6 ha). There is a centrally located playground (c. 400sqm) with play equipment, outdoor seating, and other hard and soft landscaping features. The playground meets the minimum requirement of 400sqm. It also links in appropriately in a physical sense with the 'village green' area and lies a short distance southwest of the crèche and community centre. It is adjacent (north) the employment hub and therefore readily accessible to future office workers and employees. [I note that the village green space does not contribute to the public open space quantum, which itself equates to 15.2% of the overall site area.]

7.1.19. The proposed community building is c. 508sqm, which also meets the requirement for this criterion. I consider that both amenities would be readily available to future residents of the scheme given their positioning on the site and proximate to the internal street network.

7.1.20. I am satisfied that this criterion has been met.

#### Criterion 4

- *A minimum of 1ha shall be provided for employment uses. Generally, this shall comprise office/studio/surgery type development of the highest architectural quality and layout. A minimum of 0.4ha of this area shall however be reserved for local service and incubator businesses.*

#### *Response*

7.1.21. The proposed development includes a dedicated 'employment and enterprise hub' (c. 1ha) near the entrance to the site. The combined floor area for the overall employment hub centre is spread across two blocks and is approximately 2,752sqm in total. There are 'own door' office units at groundfloor level and several incubator hubs at first floor level.

7.1.22. I note that the hub would be highly visible from the Glencree Road and provide a strong urban edge. The intention is for the hub to signal the gateway to the scheme on the approach from Enniskerry and to act as a form of landmark building. This is achieved, in my opinion, by positioning the larger L-shaped block close to the southern site boundary, giving it a comparatively taller building height – so that it stands above other buildings on the site – and a strong visual presence which is done through strident design and use of an apex elevational treatment. I note also that a variety of materials and finishes are proposed and that details of this are included in the Architectural Design Statement submitted as part of the application. [The Applicant confirms that 40% of the employment floorspace is given over to local services and incubator / startup uses.]

7.1.23. I am satisfied that this criterion has been met. I also consider that the proposed development is in accordance with Objective EE2 of the LAP. The objective is to provide c. 1ha of employment lands in the form of high-quality office / surgery / studio type employment and local service and incubator businesses in AA2.

### Criterion 5

- *The car park associated with the employment area shall be so located and designed to facilitate tourist use during non-business hours and shall at all times remain available and open for this use.*

### *Response*

7.1.24. The proposed surface car park serving the employment hub is situated behind the L-shaped block facing onto the public road. It is therefore close to the entrance to the site, but also partially hidden from view along the Glencree Road – this is good design practice, in my opinion, as it would help to minimise the visual presence of a large bank of parked cars and is more visually appealing. The car park is accessible from Street 1, which leads off the Glencree Road (L1011). There is also a pedestrian access at the entrance to the site.

7.1.25. I note that the Applicant confirms that the car park would be available for tourist use, during non-business hours (Section 6.16 of the Planning Report, dated July 2022 refers). However, to ensure this remains the case, I would recommend that a condition should be placed on any grant of permission that issues, notwithstanding the recommendation of this report.

7.1.26. I am satisfied that this criterion has been met.

### Criterion 6

- *A maximum of 156 residential units may be provided on the remainder of the site (8.8ha).*

### *Response*

7.1.27. The overall proposed development proposal, i.e., both planning applications (Parts 1 and 2), comprises a total of 129 no. residential units. I note that the overall proposed scheme encompasses the majority of the AAP2 lands that that only the grounds of St. Mary's GAA Club and smaller, peripheral areas to the north and west of the site, respectively, remain undeveloped.

7.1.28. The Applicant confirms that this number of residential units has been calculated on a pro-rata basis, relative to the site area of their landholding within the overall AA2 lands, which I consider acceptable.

7.1.29. I am satisfied that this criterion has been met. distinct

Criterion 7

- *The development shall be delivered in phases such that adequate education, community and employment facilities are provided for each phase; in particular, the school site shall be provided in Phase 1 accompanied by no more than 50% of the residential development and the employment facilities shall be provided no later than Phase 2 accompanied by no more than an additional 75% of the residential units.*

*Response*

7.1.30. My interpretation of the above criterion is as follows:

- Phase 1 may provide up to 50% of the total proposed residential units (maximum of 65 units for this stage, which is derived from 50% of the 129 units proposed across both applications).
- Provision of a site for a new school, unless the Department of Education confirms in writing that one is not required.
- Provision of a Village Green.
- Phase 2 requires the delivery of employment uses, up to 75% of the remaining overall residential units (i.e. maximum of 97 units), and the community uses, including the community centre.
- Phase 3 involves the delivery of the remaining residential units (32 units).

7.1.31. The purpose of this phasing requirement is to ensure the timely delivery of supporting social infrastructure and employment uses at the same time as the residential housing component. The criterion requires that essential community facilities and amenities must be constructed alongside the new homes, and not after most residential units have already been built. This is in accordance with good planning principles, in my opinion, and would help to ensure that the community, educational and employment uses, which are envisaged as part of the AAP lands, are provided in step with the delivery of new housing. It would also help to avoid placing excessive demand on the existing social infrastructure of Enniskerry and to

reduce any potential pressure that exists on schools, childcare, community uses, and other local facilities, which, I note, is a concern raised by third parties.

- 7.1.32. In this regard, I note that the Applicant proposes a clear phasing plan which confirms that the enterprise and employment uses, childcare facility and community building will be delivered in the first phase of development before 50% of the residential units have been completed. The plan also includes a pro-rata provision of open space in Phase 2 of the development. I further note that, to the east of the AAP2 lands, a specific site has been reserved for when a potential requirement arises for a new school in the area. The construction of a new school in this location can therefore be advanced, as and when the Department of Education wishes to progress such a facility, and the proposed development would not pose any impediment in this regard.
- 7.1.33. In summary, the phasing plan prepared by the Applicant shows that Phase 1 includes the crèche, employment facilities, village square and playground. Phase 2 comprises two areas of open space and the remaining dwellings. I note the Planning Authority considers this approach acceptable and that this would be a good scenario planning wise. I agree that the upfront provision of the aforementioned social infrastructure and employment uses should be welcomed. There is no material contravention of the phasing requirements of the LAP, or CDP, in my opinion, and the application has properly addressed and considered the phasing requirements set out under Criterion 7 of Area Action Plan 2. The proposed development does not, therefore, constitute a material contravention of AAP in terms of its objectives / phasing provisions.
- 7.1.34. I also note that where the Commission takes the view that the proposed development would, in some way, materially contravene the phasing objectives of AAP2 in the LAP that the option of invoking Section 37(2)(a) of the Planning and Development Act, 2000, (as amended), is available. As the Commission would be aware, Section 37(2)(a) states that ACP may, in determining an appeal under this section, decide to grant permission, even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.
- 7.1.35. I am satisfied that this criterion has been met.

### Criterion 8

- *A maximum of two vehicular access points onto Local Primary Road L1010 (Enniskerry – Glencree) shall be permitted.*

### *Response*

7.1.36. The proposed development provides two vehicular access points off the Glencree Road (L1010). It also includes a future potential connection to the remaining action area plan lands via the internal street network (see Streets 5 and 12 respectively).

7.1.37. I am satisfied that this criterion has been met.

### Criterion 9

- *To achieve a sense of place and allow for visual diversity any residential application should provide for a number of identifiable and distinct housing estates (not exceed 60 units), each containing different house designs within an overall unified theme.*

### *Response*

7.1.38. This application (Part 1, ABP Ref. 314763) is for 31 no. residential units. However, the related Part 2 application (ABP Ref. 314765) accounts for 98 no. dwellings, which exceeds the 60-unit threshold specified above. Notwithstanding this, I note that the overall proposed development is split into three separate Character Areas, each with distinct characteristics, variation in building styles/design, and allocation of uses (i.e., residential, commercial, community, recreational / open space, etc.).

7.1.39. The two planning applications are also inter-linked and form part of an overall holistic design response which seeks to deliver an inclusive environment for future residents, visitors, and workers, but one which is made up difference areas each with a distinct sense of place. I consider the Applicant has achieved this objective. [A full description of each Character Area is included in the Design Statement (Pages 20 to 23).] I also note that a detailed response has been completed as part of the design rationale section of the Statement against the twelve criteria of the Urban Design Manual - A Best Practice Guide 2009. I am satisfied that this criterion has been met.

7.1.40. I also consider that the proposed development is in accordance with Objective R6 of the LAP (Page 26 of the LAP refers). The objective states that the maximum size of

any single 'housing estate' shall be 60 units and developments that include more than 60 units should be broken into a number of smaller 'estates', which shall be differentiated from each other using materially different design themes.

7.1.41. From reviewing the details on file, I am satisfied that there would be a clear and apparent 'distinctiveness' achieved between each separate Character Area. A variety of house designs and typologies have been developed to provide the required diversity in design across the overall scheme (as required by Objective R6). The design approach adopted by the Applicant would therefore help to create a sense of place and avoid generic design. As noted above, I am satisfied that the overall layout, massing, building height and design of the proposed development is acceptable having regard to the information on file, including the Applicant's Design Statement, LVIA, architectural drawings, and landscape response, respectively.

#### Criterion 10

- *Full geotechnical and archaeological assessment of the lands shall be undertaken prior to any development taking place.*

#### *Response*

7.1.42. The Applicant has completed a Hydrological and Hydrogeological Assessment Report (prepared by Hydro Environmental Services, dated May 2022). I note that the report is underpinned by consultation with the NPWS, which was undertaken prior to making the application. The Applicant held an onsite meeting to discuss the relevant issues arising. The report also references previous refusal decisions for the site which cited concerns regarding the potential for impacts on the qualifying interests and conservation objectives of the Knocksink Wood SAC (ABP Refs. ABP-304037-19 and ABP-304037-20 refer).

7.1.43. To address this issue, I note that the Applicant's Hydrological and Hydrogeological Assessment Report (HHAR) examines how the proposed development could potentially lead to potential alterations of the natural hydrogeology associated with the subject site and its receiving environment. This has led to a more involved assessment of the issues arising and a more detailed understanding of the hydrogeology. The report sets out review and analysis of groundwater distribution, movement and flows, and its interaction with geological formations and various surface waterbodies in the vicinity.

- 7.1.44. I note that the potential impact of the proposal on the qualifying interests of Knocksink Wood SAC is one of the substantive appeal issues raised by third parties. The concerns are raised in the context of this development proposal, not previous applications per se; and I acknowledge the contention that there is still uncertainty surrounding the catchment area and zone of contribution attributed to the tufa springs associated with the Knocksink Wood SAC. I note for the Commission's attention that this particular issue is examined in further detail under Section 8.0 of my report below ('Appropriate Assessment'), and by the Inspectorate's Senior Scientist, who has completed a separate memo to this effect (see Appendix F).
- 7.1.45. The application is also supported by a full Archaeological Assessment, which includes geophysical testing and test trenching under licence. I consider that there are no particular concerns from an archaeological perspective and that the survey work undertaken has revealed only minor findings. The Applicant has proposed that these findings would be archaeologically excavated, where required, with monitoring to be undertaken during site excavation works. I further note that the Planning Authority received a submission from the Department of Housing, Local Government and Heritage on the 31<sup>st</sup> August 2022, which had no objection to the proposal, subject to conditions.
- 7.1.46. I am satisfied that this criterion has been met as the application has included geotechnical and archaeological assessments of the lands. However, there are concerns in relation to the potential impact on Knocksink Wood SAC and its associated Qualifying Interests. This is addressed under Section 7.3 below and by the report compiled by ACP's inhouse Environment Team.

#### Criterion 11

- *Development proposals within the Parknasilloge Action Area shall take cognisance of the requirement to maintain the rate, quality and general areas where groundwater recharge occurs in order to maintain or enhance the recharge supplying the groundwater-dependent habitats of Knocksink Wood SAC. This shall be achieved through the review of existing hydrogeological assessment(s) and the carrying out of new hydrogeological assessment as necessary to inform the development of an appropriate SuDS system(s)*

*throughout any development site and taking into account the cumulative in-combination impact of other development.*

### *Response*

- 7.1.47. The application includes information on proposed method of surface water drainage, including the implementation of SuDs measures. I note that the SuDS measures are generally standard in nature, and include water butts, filter drains, permeable pavements, petrol interceptors and that these are effective methods by which to help ensure surface water runoff is treated to an acceptable standard.
- 7.1.48. The Applicant states that their proposed drainage response is informed by the results of a site investigation undertaken for the subject lands. They also state that given the specific drainage methodology put forward in this instance that this will maintain the rate, quality and general areas, where groundwater recharge occurs and that no negative impact will be incurred by the groundwater-dependent habitats associated with the Knocksink Wood SAC. In other words, there would be no net change in recharge to groundwater, or shallow groundwater, flowing towards the tufa springs associated with this European Site, or any other Qualifying Interests. [However, as noted above, concerns remain in terms of how the proposed development would potentially impact these dynamic habitats by changing or reducing the water supply to them.]
- 7.1.49. In summary, I conclude that the overall proposed development, which includes two separate, but interconnected and concurrent planning applications, complies with the requirements set out under 'Action Area Plan 2: Parknasilloge'. I am satisfied that the Applicant has sufficiently demonstrated that each of the criteria outlined above have been met.
- 7.1.50. The proposed development is therefore in accordance with the provisions of the relevant statutory plans, which is the Bray LAP and Wicklow CDP.

## **7.2. Design and Residential Amenity**

### ***Urban Design, Layout, and the Character of Enniskerry***

- 7.2.1. I note that many of the third party submissions raise concerns that the unique character of Enniskerry, as an historic Victorian village, would be lost or eroded if the

proposed development were to proceed. It is stated that Enniskerry is not an appropriate location for which to accommodate this form of development as it is not a growth town and does not have the capacity to become an 'urban area' without its unique features being destroyed.

- 7.2.2. The appeal site is within the settlement boundary of Enniskerry on the western outskirts of its town centre. The character of the area is peri-urban and there are existing residential estates in proximity to the site at Sitka Woods, Kilgarron Park and Park Na Sillogue Court. The proposal is therefore compliant with Objective CPO 4.6 which requires new housing development to locate on designated housing land, within the boundaries of settlements, in accordance with the development policies for the settlement.
- 7.2.3. Enniskerry is a Level 4 Self Sustaining Town as per the County Wicklow Settlement Strategy (Map No. 04.01). The Council's Settlement Strategy, as outlined in the Development Plan, states that self-sustaining towns are recognised as requiring contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. Furthermore, delivering compact growth, regeneration and revitalisation is a key priority for these types of settlements across the County. The Development Plan further states that the aim for Level 4 Towns is for them to become more self-sustaining by concentrating on local enterprise and employment growth and catch-up facilities.
- 7.2.4. I also acknowledge, however, that a fundamental consideration in determining whether the scale, size, type and quantum of development sought is appropriate, is if the proposed development is in keeping with the character of the settlement. In this regard, a key determining factor is whether the proposed scheme is proportionate to the existing town of Enniskerry, respects its character, strengthens its identity and creates a strong sense of place, as is required by Objective CPO 4.13 of the County Development Plan.
- 7.2.5. The overall proposed development (both Parts 1 and 2) includes three different Character Areas (CA). A series of CGIs / photomontages are included in the Architectural Design Statement which provide a visual representation of each CA. The overriding purpose of this approach is to create a distinctive character on a finer grain across the site and to create a more localised sense of place. It also seeks to

generate visual interest and a point of difference for each area through variety in design. I note that each CA has its own specific function, and that this influenced its design and layout, as well as the types of uses, buildings, and spaces within it.

- 7.2.6. As a result, there is a welcome difference in elevational treatments and variation in architectural design, in my opinion. There is also broad mix in the types of materials and finishes proposed throughout the development. The Architectural Design Statement (dated May 2022) includes full details of each Character Area, which can be summarised as follows:

#### *Character Area 1*

- 7.2.7. This CA is made up of several difference landuses, including the crèche, community hall, employment hub and houses in the northern quadrant of the subject lands. Buildings are positioned to face onto the village green (an area of green open space) and there are dwellings situated in between the green to the east and the public park further west. Street 2 is one of the primary streets running through the development and is on an east to west axis. A small pocket park is positioned in the middle north of the CA. Here, Street 5 is on a south to north axis and runs adjacent. This would allow for the scheme to connect into a future residential scheme further north, if such a development were to ever come forward. The small group of houses bounded by Streets 7, 8 and 9 fall within CA1, but are subject to a separate planning application (i.e., the Part 2 proposal). The materials proposed to be used in constructing the houses in this CA comprise mainly grey and ochre render with projecting elements and muted grey slate for roofs. It adopts a simple and traditional, but attractive, house style, in my opinion.

#### *Character Area 2*

- 7.2.8. This CA applies to the northwestern section of the site. It has a large open space area serving the overall development. The open space is in laid out in a crescent shape and would be a landscaped to a high standard. It includes seating, planted trees, bushes and hedges, and footpaths. The park would function as a focal point for the houses in this CA, but is adequate in size and spec to serve the overall development scheme. The park signals the western entrance into the lands from the Glenree Road and is located only a short distance in from the edge of the site. Street 3 runs on a meandering west to east axis before meeting Streets 2 and 9

further east. The elevational treatment of the houses within this CA consists of white and ochre coloured render with a grey heather slate roof.

### *Character Area 3*

- 7.2.9. This CA includes the southwest portion of the subject lands. It forms the interface between the proposed development and the Glencree Road. The houses along the southern edge of the site form a strong urban edge along this part of the site. This is important, in my view, as it is this part of development, together with the employment hub, which will be most visible to the public, including those travelling in the direction of Enniskerry town centre.
- 7.2.10. CA3 comprises small clusters of houses around three principal shared surface / Home Zone streets. The streets form part of the Part 2 application and are Nos. 10, 11, 15. A newly constructed 2m wide footpath runs along the southern and southeastern boundary of the site and connects CA2 and CA3. The development is accessible to pedestrians using the Glencree Road from these locations. [This information is shown on the 'Proposed Pedestrian & Cycle Infrastructure' drawing (Sheet 1).] The houses along the southern boundary in this CA generally face towards the public road. This is welcome in design terms and would help to engender a positive active interface between the site, the Glencree Road and the houses opposite, for example, at Sitka Woods, in my view. The proposed materials and finishes for the houses consist of white and grey render with a grey slate roofing.
- 7.2.11. In summary, I consider that the proposed design, layout and general relationship between the subject site, its surrounding environs, and Character Areas would result in a mixed-use scheme that is well-connected and well-integrated with its built and natural environment. The proposal would be attractive and safe for residents, visitors and members of the existing community. It is consistent with local policies and objectives in terms of achieving a high-quality design and layout which contributes to coherent urban form and an attractive built environment. The proposal also complies with national planning policy documents, including the National Planning Framework, which seek to consolidate services and employment within existing urban settlements to promote sustainable development.
- 7.2.12. I conclude that the proposed development would protect and enhance the unique identity and character of Enniskerry, whilst simultaneously delivering an appropriate

scale and quantum of housing as part of an overall mixed use scheme which is distinctive, safe and accessible for future residents.

### ***Density***

- 7.2.13. The site is subject to three land use zonings, including R20 'New Residential', E1 'Employment' and CE 'Community & Education'. The majority of the site is zoned R20 which facilitates a residential density up to 20 units per hectare (uph).
- 7.2.14. The subject application is for the construction of 31 dwellings and the separate (inter-linked) application (Part 2) comprises 98 no. dwellings. Together, this equates to a gross density of 20 units per hectare. I note that the R20-zoned lands in the northern part of the AAP area do not form part of the overall proposal and have been excluded for development purposes due to their ecological sensitivity and proximity to the Knocksink Wood SAC. This issue became apparent under a previous planning application, and the current proposal has therefore been designed to avoid the section of land closest the SAC.
- 7.2.15. I note that the application site has a stated area of 5.1ha. The employment hub component of the overall proposed scheme occupies roughly 1ha and the community element is on roughly 0.4 ha. I note that the red line boundary for the application incorporates a linear section of the L1011 to accommodate future pedestrian infrastructure improvements (c. 1ha). This means there is a remainder of c. 2.7ha given over to residential use which is residential density of 11.5uph. The concurrent (Part 2) application which is 98 no. dwellings and accounts for roughly 21.5 units per ha.
- 7.2.16. I note that the Bray LAP (Table 3.2) states that 'Action Area 2 – Parknasilloogue' has the potential capacity to accommodate 156 no. residential units. The cumulative total for both planning applications is 129 no. dwellings. This would leave a balance of 27 dwellings on the remaining residential zoned lands within AAP2, which are roughly 1.4ha and outside the subject lands. The residential density for these residual AAP2 lands would be 19uph, approximately. In summary, I consider that the proposed density is acceptable and in accordance with the provisions of the Bray Local Area Plan.
- 7.2.17. Notwithstanding the above, I consider that the concept of 'residential density', in planning terms, is not one which can be controlled by way of a land use zoning

objective, and nor does it relate to zoning. This is well established in various case law and relevant legal judgements on the matter. In this regard, the Commission may wish to refer to the statutory language of Section 10(2)(a) of the Planning and Development Act, 2000, (as amended), which states the following:

*‘Without prejudice to the generality of subsection (1), a development plan shall include objectives for-*

*(a) the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or a mixture of those uses), where and to such extent as the proper planning and sustainable development of the area, in the opinion of the planning authority, requires the uses to be indicated;’*

7.2.18. I consider that Section 19(2) of the Act, which relates to the application and content of local area plans, is also relevant to the question of density. Here, the legislation reads that ‘a local area plan shall be consistent with the objectives of the development plan and shall consist of a written statement and a plan or plans indicating the objectives in such detail as may be determined by the planning authority for the proper planning and sustainable development of the area to which it applies, including detail on community facilities and amenities and on standards for the design of developments and structures’. In neither instance does the issue of ‘residential density’ arise or come within the scope of the relevant legislation.

7.2.19. In summary, I consider that while I consider that the proposed density is acceptable and in accordance with the provisions set out in the Bray LAP and Wicklow CDP, the issue of residential density is not one which can be regulated, or influenced, in any way through the application of a land use zoning objective.

### ***Visual Impact***

7.2.20. I note that appellants raise concerns that the proposed development would result in a negative visual impact on the surrounding environment. It is stated that the proposal has failed to adequately consider scenic vistas and a protected view in the area.

- 7.2.21. The Protected View in question is near the southwestern corner of the site on the Glencree Road. It is shown on the 'Enniskerry Natural Heritage Map 6' of the Bray LAP (see green 'views' symbol). It is recorded as Viewpoint No. 5 on Schedule 17.11 of the County Development Plan which is in relation to 'views of special amenity value or special interest'. The viewpoint faces northwards across the western portion of the site in the general direction of higher ground, towards Carrigollgan village and The Scalp.
- 7.2.22. I have reviewed and assessed the Landscape and Visual Impact Assessment (LVIA), as well as contextual elevations and sections, as part of my assessment for visual impact. I note that a further useful document in this regard is the Applicant's Architectural Design Statement. The photomontage booklet includes one CGI image, which is internal to the site, and 13 verified views / photomontages. The viewpoints each include a baseline image, proposed image (subject application), and cumulative image (both applications / overall development proposal). Having physically visited the site, and completed a visual inspection up close, and from the surrounding vicinity, I consider that the photomontages are an accurate description of how the proposed development would appear as though constructed. The LVIA (Section 5) assesses how the proposed development would affect the landscape, townscape, and visual amenity of the area, respectively. In summary, it states that the proposed development is in keeping with its designated zoning (R20 – Residential) and while there would be 'slight' to 'moderate' effects incurred, the scheme would be successfully integrated and absorbed into the Enniskerry landscape without having any unacceptable or significant effects on visual amenity.
- 7.2.23. I note that Map 6 of the LAP shows the viewpoint positioned at an acute bend on the Glencree Road, near where Proposed Street 11 meets the southern boundary of the site. Having walked along this section of the existing public road as part of my site inspection I consider that there are limited opportunities for people to stop and fully appreciate the vista ahead of them from this location. I acknowledge that were one to travel a short distance to the west there are better vantage points from which to appreciate the landscape and scenery, both immediate and distant. This includes locations from the small cluster of private residential properties to the west. These houses are accessed directly off the L1011 where the road curves around to travel northwards, at a point roughly 150m from the designated viewpoint location.

- 7.2.24. The purpose of the protected view designation is not to prevent or stymie development, but to ensure that any development on the site considers the special visual amenity of the surrounding vicinity through sensitive design. I consider that the design response devised by the scheme architect has achieved this, and that the protected view has been properly considered and taken into account in formulating the site analysis and its subsequent design phase. In this regard, it is my opinion that a sensitive layout and allocation of building heights and land uses across the site is evident, and that this outcome has been reached through a careful evolution of design which the wider project team has contributed to. This includes placing relatively lower buildings with good quality finishes in the western part of the site. The buildings generally match the existing height of other houses in the area and are one to two storeys.
- 7.2.25. The taller elements of the development would be situated in the eastern section of the site away from the viewpoint. This includes, for example, the proposed employment hub buildings. I further note that the large area of public open space is positioned in the western part of the site. This would allow future residents and visitors to gain relatively uninterrupted views towards the scenic landscape to the north. Having regard to this, the proposed development would facilitate better views, in my opinion, than that which currently exists from the public roadside. A greater number of people would be able to enjoy and appreciate this scenic vista in a more comfortable and safer setting.
- 7.2.26. I conclude that the proposed development, due to its layout, height and overall design, would not have an unacceptable negative visual impact on its receiving environment and would successfully integrate with the surrounding natural and built landscape. I consider that the proposal has sought to preserve and maintain the view corridor associated with Protected View No. 5 of the Bray LAP and that it would remain largely unobstructed.

### ***Impact on Neighbouring Properties***

- 7.2.27. I have reviewed the plans and particulars accompanying the planning application and do not consider that the scheme would result in unacceptable overlooking or loss of privacy for any adjacent or nearby residential properties. The site layout has been devised to avoid the rear gardens of proposed dwellings which back onto

existing properties by having a minimum depth of less 11m. The Proposed Site Layout Plan indicates that most rear gardens have a depth of at least 12m to 15m, and I note that the shortest garden, which is associated with Unit C68, is c. 12.1m.

- 7.2.28. I consider that the proposed layout reflects the character and pattern of the area, and I am satisfied that no unacceptable loss of privacy or direct overlooking would arise in this case. This is given the orientation of the proposed houses on the site and as separation distances are well more than the minimum requirement (i.e., 11m). This includes the dwellings at Parknasilloge Court and two other houses situated on the northside of the Glencree Road.
- 7.2.29. Furthermore, I note that the Planning Authority did not consider that the proposal would have any significant impacts on the amenities enjoyed by residents of neighbouring dwellings in terms of overlooking or invasion of privacy.

### **7.3. Hydrology, Hydrogeology and Drainage**

- 7.3.1. The third parties raise several concerns regarding the potential of the proposed development to alter existing drainage patterns across the site and surrounding vicinity such that this would have a negative impact on the Knocksink Wood SAC, including its groundwater-dependent habitats.
- 7.3.2. The parties state that the existing occurrence, distribution, and movement of groundwater across the site is highly sensitive to change and unless it can be established that developing the lands would either maintain or enhance the recharge supplying the sensitive ecosystems in this area that the development should not be permitted. The argument is made by Ms. Leesha O'Driscoll, the Friends of Enniskerry and Knocksink Woods, and others, and is supported by an expert submission made by Dr. Robert Meehan (Consultant Geologist) which focuses on ground analysis, groundwater and surface water protection, site investigation and geodiversity. This report is on file for the consideration of the Commission.
- 7.3.3. The Applicant has prepared their own expert reports in relation to this issue, including from Hydro Environmental Services (HSE), Scott Cawley (Ecological Consultancy) and Altemar (Environmental Consultancy). These are included as Appendices 2, 3 and 4 of the Applicant's Response, respectively. This is in addition to the material prepared and lodged with the original applications to the Planning

Authority. I confirm that I have read and examined of each of these reports as part of my assessment of this appeal case.

- 7.3.4. The Inspectorate's Senior Scientist has prepared a 'Specialist Report' which addresses the matter. Given the technical and complex nature of the groundwater hydrology in the vicinity of the site, and the conflicting positions put forward by the Applicant, and third parties, it was considered that input from ACP's in-house Environment team was necessary to assist in the assessment of the hydrogeological aspects concerning the proposed development.
- 7.3.5. The Report describes the topographical setting of the site and its surrounding area, including its hydrological and hydrogeological characteristics. It identifies the importance attached to the attributes associated with the Qualifying Interests of the Knocksink Wood SAC and places a particular focus on the 'Petrifying springs with tufa formation (Cratoneurion) [7220]'. Reference is also made to the other QIs of this European Site, which are 'Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]' and 'Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]'. I note that the Alluvial forests are also a groundwater dependent habitat.
- 7.3.6. The Commission's Specialist Report provides an overview of Dr. Meehan's Report, as well as the Applicant's assessment, and concurs that the main issue from a hydrological and hydrogeological perspective is that the proposed development has the potential to impact on the dynamics of existing groundwater flows and the geochemistry of the site. This, in turn, could potentially impact the priority habitats as listed under the Habitats Directive, namely the Petrifying springs and Alluvial forests.
- 7.3.7. I note the following key points within the Specialist Report regarding this issue: -
- The site is mapped as sitting on limestone derived glaciofluvial sands and gravels which are by their nature, permeable and transmissive. The site is also identified as a Regionally Important Sand and Gravel Aquifer by virtue of its area, permeability and thickness.
  - This subsoil grouping encompasses the subject lands, and surrounding area, right down to the alluvial material along the Glencullen River.

- There is potential for preferential flow paths to exist across the site and surrounding areas.
- The proposed development would see the effective area remaining to distribute rainwaters naturally over the site being reduced by 29%.
- Waters are proposed to be redistributed to ground via three large soakaways serving the car parking areas and roadways and individual soakaways serving houses. This would result in the alteration of the groundwater regime and impact how waters recharge across the land.
- The Applicant has not assuaged concerns of how these alterations of the hydrological regime would impact the surrounding lands and the potential for knock-on impacts on the Conservation Objectives of Knocksink Wood SAC.

7.3.8. In conclusion, the Inspectorate's Senior Scientist states that: -

*'The habitat (Knocksink Wood SAC) is a dynamic habitat in that **any changes or a reduction to water supply would likely have a significant impact.** The hydrological regime is of critical importance for the survival of this feature. Petrifying springs require permanent irrigation from upwelling of groundwater sources, and **water flows should not be altered anthropogenically.** I feel that the potential significant effects from the proposed development cannot be ruled out, even with the mitigation measures proposed.'*

[Emphasis added.]

7.3.9. In summary, in having regard to the proximity of the proposed development to Knocksink Wood SAC, and to the potential for impacts on the qualifying interests and conservation objectives of this European Site, due to potential alterations in the natural hydrogeology of the site, and its surrounding vicinity, I consider that it cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of this European Site.

7.3.10. I further note that the issue of Appropriate Assessment, and the potential of the proposed development to give rise to significant adverse effects on European Sites – of which Knocksink Wood SAC is one such Site – is further addressed under Section 8.0 and Appendices A and B of my report below.

## 7.4. Traffic and Transport

- 7.4.1. I note there are third party concerns from a transport and traffic impact perspective. The general contention is that the proposed development would increase the number of houses on the western approach to the town centre resulting in additional traffic volumes, and that this would place an unacceptable burden on the local road network. It is also submitted that the traffic data relied upon by the Applicant is out of date.
- 7.4.2. The assertions are not supported by any technical traffic analysis or expert evidence. Conversely, the Applicant has commissioned the preparation of a Traffic and Transport Assessment (TTA). The TTA confirms that the existing road network will continue to operate within capacity until at least 2038, has allowed for the full development of the AAP2 lands (including future housing, community facilities, and school provision), and accounted for other types of commercially generated traffic in the area, such as the forestry industry. The TTA also states that permission was granted by the Commission for a previous SHD application on the site and that this was for a larger number of houses (219 no. residential units) (ABP Ref. 312652-22).
- 7.4.3. I note that the Planning Authority, including the Roads Department, accepted the validity of the TTA and raised no objection to the proposed development, including in relation road safety or potential traffic impacts or risks to vulnerable road users. However, I acknowledge that the Roads Department stated in their internal report that the TTA included generic assumptions and did not take full account of existing traffic conditions and planned future changes to the village centre. In this regard, I consider that a Road Safety Audit (Stages 1 and 2) could be prepared as part of potential future improvements to the public road network associated with the proposed development. The purpose of the RSA is to recognise and address potential hazards for road users post-planning. It involves completing a comprehensive safety check by an independent and qualified auditor, who would normally set out a series of final design recommendations, engineering solutions and potential modifications. The completion of the RSA (Stages 1 and 2) can be done under condition.
- 7.4.4. Having reviewed the TTA and its related technical data, I consider that the proposed development would generate a comparatively small increased in additional vehicular

trips. The capacity of the existing road network would be able to readily accommodate the proposed development, in my opinion, from a traffic perspective without causing a traffic hazard or being prejudicial to public health. The proposed development would also deliver several important pedestrian infrastructure improvements, which would improve connectivity between the site and Enniskerry town centre (see below).

7.4.5. The Commission may choose the option of seeking further information from the Applicant in relation to traffic counts. However, I consider that the technical data collected and used as part of the traffic impact assessment is sufficiently up-to-date and representative of the baseline situation. The TTA was prepared and submitted in the same year as when the application was made and that the Applicant applied the NRA growth factor to the 2018 traffic counts, which is an assumed 6% increase in traffic. I note also that the traffic counts were pre-Covid such that the lower traffic volumes experienced during the pandemic were not relied upon as part of the assessment.

7.4.6. In summary, I do not consider that existing local traffic conditions would be compromised in any significant way by the proposed development. It is my opinion that the proposal would also deliver road enhancements including in the form of upgraded pedestrian crossing points and footpaths, an improved road junction, a better-defined street edge, and a safer street environment overall.

#### ***Pedestrian Environment (Connectivity to the Town Centre)***

7.4.7. A recurring concern by third parties is that the appeal site is disconnected from Enniskerry and that there are inadequate pedestrian facilities to link it with the town centre. The main issues raised are in relation to the steep gradient of the road, its narrow width, and that existing footpaths are substandard, deficient and unsafe. I note that the appeal site is roughly a 10-15min walk to the town centre.

7.4.8. These are valid concerns and I observed during my site inspection that the pedestrian environment along the Glenree Road, including in the direction of the town, was less than optimal with large sections of footpaths having an uneven and rutted surface, narrow width and poor lighting. There was also an absence of accessibility features, such as ramps, tactile paving or textured ground surfaces, which would be able to convey information to pedestrians with a disability or vision

impairment. In some cases, there was no dedicated pathway along stretches of road and that walkers instead are directed into the internal street network of existing residential estates.

- 7.4.9. The Applicant proposes a series of pedestrian and road infrastructure works. These are shown in Drawing Nos. P538, P539 and P540 and accompany the original application. I have reviewed this information and consider that for the development to successfully integrate with its existing, surrounding environment, the existing pedestrian facilities should be upgraded and improvements to connectivity and linkages implemented in accordance with these drawings.
- 7.4.10. I note that the internal report by the Council's MDE recommends a series of upgrades to the road, including the provision of a 2m wide footpath on each side of the roadway and a pedestrian crossing further east towards the town. However, given the scale of overall development proposed, I consider that this would result in an unnecessarily higher spec than would be required in this instance. In this regard, I would also note the commentary in the Planner's Report where it is stated such works 'would over-engineer this road at the end of Enniskerry approaching the rural area'.
- 7.4.11. In my opinion, the provision of a single 2m wide footpath along the northern side of the public road (shaded purple on the drawings), and two non-controlled pedestrian crossing points further to the east (shaded blue), would still contribute significantly to improving connectivity between the appeal site and town centre environs. The newly constructed sections of footpath would link in with existing footpaths, and I note that certain other parts of existing paths are to be upgraded and repaired as part of the proposed works.
- 7.4.12. Furthermore, the development proposal, as a mixed-use scheme, comprises several facilities and amenities, including a crèche, café, community centre and includes an employment hub with offices and incubator units. Therefore, I consider a certain proportion of the day-to-day needs of future residents would be able to be met within the immediate vicinity of the site. There is also an existing local shop ('mini-market') and post office on the southern side of the Glencree Road. These are within roughly 200m of the proposed entrance to the new development. The application proposes

a pedestrian crossing in this location, and this would facilitate people who wish to walk across the road to the shop and/or post office.

- 7.4.13. In summary, I am satisfied that the proposed improvements to the pedestrian environment would provide adequate connectivity between the appeal site and town centre. The works would facilitate better accessibility and public safety and encourage people to choose active transport as a means of travel over the private car.

## 7.5. Other Issues

### ***Enniskerry GAA Grounds***

- 7.5.1. The appeal made by Enniskerry GAA Club states that building 'such a large development' (i.e., the subject development proposal) beside the local GAA facility and not addressing the future expansion needs of the club, would not be in keeping with proper planning for the area. The Appellant does not elaborate as to how the proposed development might somehow undermine or negatively impact the club. However, I consider that the running of, and/or potential expansion, of the GAA Club is matter for the Club themselves, and that this does not concern the Applicant or the proposed development.
- 7.5.2. A requirement of AAP2 is that a minimum area of 2ha must be reserved as Active Open Space, which is the size of the area currently occupied by Enniskerry GAA, and that in the event of the GAA Club relocating to an alternative location, this quantum of AOS would be maintained within the overall action area plan lands. In this regard, the proposal does not include any plans to relocate or displace the GAA Club from its existing grounds. The GAA Club would remain unaffected by the proposal. Furthermore, the Applicant has confirmed they are unaware of any plans by the GAA to transfer the club to a different location. Therefore, I am satisfied the GAA Club is staying in its current setting and that there is no requirement for the Applicant to provide the active open space referenced in AAP2.
- 7.5.3. I also do not consider that the proposed development would prevent the club from building upon its existing facilities and that instead, and in time, future residents of the scheme may potentially contribute to it in the form of new players, volunteers, occasional helpers, and through other forms of support.

### ***Wayleaves and Rights-of-Way***

- 7.5.4. A third party observation to the Commission raises concerns in relation to wayleaves and legal agreements across the subject lands. They also state they are the owner of the existing laneway crossing the site / leading off the Glencree Road. The Applicant's appeal response includes a letter from their solicitor stating that the issues raised are property related and therefore a civil matter. The letter also states that the Applicant has the required legal authority to make the planning applications.
- 7.5.5. I note that the proposed development would alter the existing access arrangements to the lands to the north of the appeal site, including for both the agricultural lands and a private residential dwelling. The Applicant, conversely, states that they own the laneway, and not the observer. They also confirm that they will grant the necessary rights-of-way and access to the owners of the adjoining lands. I consider that if the Commission grants permission, and the proposed development proceeds, the Applicant would likely need to put in place an agreement within the relevant property owners to maintain a right-of-way. However, this is a civil matter which does not come under the remit of assessing this planning appeal.
- 7.5.6. In this regard, I would note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the Applicant may need to address outside of the planning system.
- 7.5.7. Furthermore, Section 5.13 of the Development Management Guidelines states that the planning system is not designed as a mechanism for resolving disputes about title to land, or premises, or rights over land. These are ultimately matters for resolution in the Courts. However, the Applicant must be certain under civil law to ensure that they have all rights in relation to the land for which they intend to implement any grant of planning permission.

### ***Construction Related Impacts***

- 7.5.8. The construction impacts associated with the proposed development would be temporary in nature, occurring only during the active works phase, as the site is being developed for its future use(s).

- 7.5.9. I consider that appropriate construction management measures and protocols will be implemented such that no significant long-term effects would be incurred by the surrounding area, or its receiving environment.
- 7.5.10. I note that the Planning Authority included a condition (10a) as part of their NoD to grant permission requiring that the development must be carried out in accordance with the Construction Environmental Management Plan (CEMP) submitted by the Applicant as part of the application. The CEMP includes measures to ensure the works would be carried out in compliance with the relevant environmental legislation and best practice standards, including for controlling noise, waste, dust, water quality and other potential impacts.
- 7.5.11. In the event the Commission are minded to granted permission – notwithstanding my recommendation to refuse permission – I consider that a similarly worded condition should be included as part of any such Decision.

## **8.0 Appropriate Assessment**

### **8.1. Screening Determination – Finding of likely significant effects**

- 8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could potentially result in significant effects on the Knocksink Wood SAC (Site Code: 000725) in view of the conservation objectives of certain qualifying interest features associated with this site.
- 8.1.2. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000, as amended] of the proposed development is required.

### **8.2. Natura Impact Statement (NIS) – Conclusion of Integrity Test**

- 8.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Knocksink Wood SAC (Site Code: 000725) in view of the conservation objectives of this Site and that Appropriate Assessment under the provisions of S177V / 177AE was required.

8.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account the appeals, submissions and observations, I consider that adverse effects on site integrity of the Knocksink Wood SAC (Site Code: 000725) cannot be excluded in view of the conservation objectives of this Site and that reasonable scientific doubt remains.

8.2.3. My conclusion is based on the following:

- a detailed assessment of construction and operational impacts,
- the Specialist Report prepared by the Inspectorate's Senior Scientist, which *inter alia* addresses the hydrogeological aspects associated with the subject site and its receiving environment,
- the potential for alterations to the existing geochemistry system which may occur as a result of the proposed development.
- the effectiveness of the mitigation measures proposed, and
- that the proposed development would potentially affect the attainment of conservation objectives for the Knocksink Wood SAC (Site Code: 000725), including the prevention or delay in the restoration of favourable conservation conditions for Petrifying springs with tufa formation and the continued maintenance of Alluvial forests, respectively.

8.2.4. Refer to Appendices A and B at the rear of this report for further information.

## 9.0 Environmental Impact Assessment

9.1. The proposed development has been subject to EIA Pre-Screening and Preliminary Examination for Environmental Impact Assessment (refer to Appendices C and D of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 10.0 Water Framework Directive

- 10.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives. Therefore, it can be excluded from further assessment.
- 10.2. Refer to Appendix E at the rear of this report for further information.

## 11.0 Recommendation

- 11.1. I recommend that planning permission be refused for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

- 12.1. Having regard to the proximity of the subject lands to the Knocksink Wood SAC (Site Code: 000725), the nature of the proposed development, to the potential for impacts on the Qualifying Interests and Conservation Objectives of this European Site due to alterations in the natural hydrology and hydrogeology associated with the receiving environment, and to the sensitivities of the SAC to the alteration of groundwater flows and changes in hydrochemistry, through the potential diversion of groundwater from glaciofluvial sands and gravels in soils and gravels underlying the site, which function as hydrological pathways, it is considered that notwithstanding the documentation submitted as part of the application and appeal, including the Applicant's AA Screening & Natura Impact Statement, Hydrological & Hydrogeological Assessment, and Engineering Services Report, there remains scientific doubt over whether the proposed development could lead to a reduction or loss of habitat and/or disturbance to certain attributes associated with this European Site.

The Commission cannot be satisfied that the proposed mitigation measures would remove the potential for impact on Petrifying springs with tufa formations and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, which are Qualifying Interests

associated with this European Site, and are which are dynamic habitats where any changes to, or a reduction of, water supply would likely have a significant impact.

The Commission, therefore, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Knocksink Wood SAC in view of the site's Conservation Objectives and Qualifying Interests. It is considered that the Commission is, therefore, precluded from granting planning permission for the proposed development.

[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.]

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Ian Boyle  
Senior Planning Inspector

5<sup>th</sup> January 2026

**Appendix A: AA Screening Determination – Test for Likely Significant Effects  
(Template 2)**

<b>Screening for Appropriate Assessment</b>	
<b>Test for likely significant effects</b>	
<p><b>Step 1: Description of the project and local site characteristics</b></p> <p>The proposed development is for a new mixed-use development proposal, split over two planning applications – both of which have been appealed to ACP. This AA Screening exercise addresses the overall proposed scheme.</p> <p>Part 1 (ABP Ref. ABP-314763) mainly comprises the rear (northern) and western sections of the subject lands. It accounts for roughly 24% of the overall proposed residential units.</p> <p>Part 2 (ABP Ref. ABP-314765) mainly comprises the front (southern) and central sections of the site. It accounts for roughly 76% of the overall proposed residential units.</p> <p>The overall proposed scheme (Parts 1 and 2) accounts for a total of 129 no. residential units as well as enterprise and employment, community, and childcare uses, and ancillary works.</p>	
<b>Brief description of project</b>	<p>The proposed development is for a mixed-use development roughly 1km west of Enniskerry town centre, in County Wicklow. A full description of the project is provided in Section 2.0 above.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject lands are bordered to the north and east by agricultural lands, to the south by the L1011 road and Parknasilloge Court, and to the west by the residential property at Kilmolin. The lands within comprise the following habitats:</p> <ul style="list-style-type: none"> <li>- Improved Grassland (GA1)</li> <li>- Dry Calcareous Grassland - Improved (GSi1),</li> <li>- Hedgerows (WL1)</li> <li>- Scrub (WS1).</li> </ul> <p>The overall lands slope generally to the east and southeast, towards the Glencullen river (also known as the Cookstown River).</p> <p>The Knocksink Wood SAC lies c. 200m northeast and downslope of the site. The qualifying interests for this</p>

	European site are two priority Annex Habitats and one Annex I habitat (see below). The desktop study completed by the Applicant found no records of any species or habitats within the subject lands for which European Sites are listed. The catchment zones for the qualifying interests extend beyond the boundary of the Knocksink Wood SAC, however.
<b>Screening report</b>	Yes
<b>Natura Impact Statement</b>	Yes
<b>Relevant submissions</b>	Yes. Submissions have been made by third parties in relation to Appropriate Assessment and the potential for the proposed development to have significant effects on the qualifying interests associated with the Knocksink Wood SAC (Site Code: 000725). The Planning Authority (WCC) also received a submission from An Taisce which raised issues regarding the potential for hydrological impacts on the Knocksink Wood SAC.

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed developm ent (km) appr ox.</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup>  Y/N</b>
Knocksink Wood SAC (Site Code: 000725)  13 Dec 2021, Version 1.  See weblink: <a href="#">Knocksink Wood SAC</a> . Valid as of 22 <sup>nd</sup> Dec. 2025.	<ul style="list-style-type: none"> <li>- Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>- Alluvial forests with Alnus glutinosa and Fraxinus</li> </ul>	200m to the northeast	Yes.  There is a potential hydrological link between the appeal site and this SAC via groundwater and surface water.	Yes.

	excelsior ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]			
Ballyman Glen SAC (Site Code: 000713)	<ul style="list-style-type: none"> <li>- Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</li> <li>- Alkaline fens [7230]</li> </ul>	1.5km to the northeast	No. European site falls within a separate sub-catchment.	No.
Wicklow Mountains SAC (Site Code: 002122)	<ul style="list-style-type: none"> <li>- Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</li> <li>- Natural dystrophic lakes and ponds [3160]</li> <li>- Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</li> <li>- European dry heaths [4030]</li> <li>- Alpine and Boreal heaths [4060]</li> <li>- Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</li> <li>- Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</li> <li>- Blanket bogs (* if active bog) [7130]</li> <li>- Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</li> </ul>	2.2km to the west	No. European site is upstream of the appeal site.	No.

	<ul style="list-style-type: none"> <li>- Calcareous rocky slopes with chasmophytic vegetation [8210]</li> <li>- Siliceous rocky slopes with chasmophytic vegetation [8220]</li> <li>- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>- Lutra lutra (Otter) [1355]</li> </ul>			
Wicklow Mountains SPA (Site Code: 004040)	<ul style="list-style-type: none"> <li>- Merlin (Falco columbarius) [A098]</li> <li>- Peregrine (Falco peregrinus) [A103]</li> </ul>	2.7km to the west	No. European site is upstream of the appeal site.	No.
Bray Head SAC (Site Code: 000714)	<ul style="list-style-type: none"> <li>- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>- European dry heaths [4030]</li> </ul>	5.8km to the east	No. There is no potential hydrological link between the appeal site and this SAC.	No.

The Applicant's 'Stage 1 Screening & Stage 2 Appropriate Assessment Report under Table 1 includes a greater number of European Sites that that listed above under Step 2 of my AA Screening Determination. However, there is no ecological justification for the inclusion of such a large number of sites for further assessment. This is for various reasons, including the physical separation distance between such sites and the subject lands. I have therefore only included those European Sites which would have a potential ecological connection or pathway in my screening determination below.

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**European Sites**

The proposed development will not result in any direct effects on any SAC or SPA Sites. Sources of impact and likely significant effects are detailed in the Table below.

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Knocksink Wood SAC (Site Code: 000725)</p> <p>Qualifying Interests are as per the 'NPWS Conservation Objectives document', dated 13 Dec 2021, Version 1.</p> <p>See weblink: <a href="#">Knocksink Wood SAC</a>. Valid as of 22<sup>nd</sup> Dec. 2025.</p>	<p>There is a potential pathway (i.e. hydrological connection which could act as a route for potential impacts) from the source site. Therefore, the Qualifying Interests of this SAC could be affected.</p> <p>Potential negative impacts include impacts on surface water/water quality due to construction related emissions, including increased sedimentation and construction related pollution.</p>	<p>Potential significant effects on the petrifying springs are from accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges, and alterations to the natural hydrology and hydrogeology within the subject lands. This could be either during either construction or operation, and if the effects were of a sufficient magnitude and duration to affect the ground and surface water quality or volume which the qualifying interest habitats within the SAC are dependent upon.</p> <p>However, Old sessile oak woods are not dependent on groundwater. Therefore, any potential water related impacts on this QI habitat can only occur from surface water runoff, either during the construction phase or the operational phase.</p> <p>However, the other two qualifying interest habitats (tufa springs and alluvial woodland) are groundwater influenced habitats and, therefore, could be impacted by alterations to the</p>

		<p>existing hydrology and hydrogeology regime associated with the land.</p> <p>There is also some potential for anthropogenic influences from littering and the spread of non-native invasive plant species to the woodland through fly-tipping and disposal of domestic-related waste.</p>
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**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

Based on the information provided in the Applicant’s AA Screening and NIS report, my physical inspection of the site, a review of the conservation objectives for the site, and of supporting documentation, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development would have the potential to result in significant effects on the Knocksink Wood SAC (Site Code: 000725).

I concur with the Applicant’s findings that such impacts could be significant in terms of the stated conservation objectives of this SAC when considered on their own / in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

I have only included those sites which have a possible ecological connection or pathway in my screening determination below, as per Step 2 above 'Identification of relevant European sites using the Source-pathway-receptor model'.

**Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Knocksink Wood SAC (Site Code: 000725) in view of the conservation objectives of a number of qualifying interest features for this site. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required. **AA is required.**

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix B: Appropriate Assessment – AA Determination (Template 3)

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed mixed use development (both Phases 1 and 2) in view of the relevant conservation objectives of Knocksink Wood SAC (Site Code: 000725) based on scientific information provided by the applicant and in considering expert opinion set out in observations on nature conservation, biodiversity and the protection of habitats.

The information relied upon includes the following:

- Appropriate Assessment Screening Report and Natura Impact Statement
- Construction Environmental Management Plan
- Hydrological & Hydrogeological Assessment Report
- EIA Screening
- Planning Report
- Design Statement
- Mobility Management Plan
- Engineering Services Report
- Flood Risk Assessment

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am also satisfied that all aspects of the project which could result in significant effects have been considered and assessed in the NIS, and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for their effectiveness.

### Submissions/observations

The Commission has received a number of submissions which raise the issue of Appropriate Assessment and, specifically, in relation to the potential for significant effects on Knocksink Wood SAC in light of its conservation objectives. The third party grounds of appeal are summarised in Section 6.1 of my report above. They are also considered further in Section 7.3, by the

Inspectorate's Senior Scientist, who has completed a separate report addressing these issues (see Appendix G), and under this Appendix (B).

The main contention raised by Appellants is that there is uncertainty regarding the zone of contribution (ZoC) towards the tufa springs which are downgradient of the subject lands. The tufa springs are a QI associated with Knocksink Wood SAC. Because of this, it is stated that the conservation objectives for Knocksink Wood SAC cannot be met. It is also stated by third parties that the application proposes inadequate AA mitigation measures in relation to drainage, SuDS, soakaways, and could lead to other negative anthropogenic influences.

I note the hydrology report prepared by Dr. Robert Meehan (Consultant Geologist) on behalf of a third party appellant. This, together with the expert reports prepared on behalf of the Applicant, has been considered in the assessment of the appeal case, both by myself, and also the Inspectorate's Senior Scientist.

#### **Knocksink Wood SAC (Site Code: 000725)**

Summary of key issues that could give rise to adverse effects (from screening stage):

**i) Accidental pollution incident and/or run-off of contaminated waters via groundwater pathways**

Potential to impact on groundwater quality in the absence of mitigation, through accidental spillages of hydrocarbons, fuels, lubricants, cement or other potential pollutants, during construction works, for example.

**ii) Run-off of sediment via surface water pathways**

Silt-laden runoff from the construction site could potentially be released into the natural surface water drainage network with pathways to the qualifying interest habitats in Knocksink Wood SAC.

**iii) Groundwater Flows towards Knocksink Wood SAC Altered / Reduced**

The Knocksink Wood SAC QI habitats could potentially be at risk from alterations to the natural hydrology and hydrogeology during the construction and operation of the proposed development.

**iv) Surface water and groundwater impacts**

Surface water runoff from roads and car parking surfaces could contain higher levels of contaminants, such as hydrocarbons and suspended solids. This could alter pH or nutrient concentrations in groundwater. The use of fertilizers and pesticides, for example, in private

gardens and on open space areas, could also impact on groundwater quality during the operational phase.

**v) Anthropogenic Pressures**

There is an existing informal track into the woodland roughly 200m from the boundary of the proposed development. Therefore, there is potential for adverse impacts on Knocksink Wood SAC from increased anthropogenic activity, including trampling of Qualifying Interest habitats (particularly along undesignated paths), littering, and the spreading of invasive plant species through fly-tipping and disposal of garden waste.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
<ul style="list-style-type: none"> <li>- Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</li> </ul>	<p>'To Maintain / restore favourable conservation condition', as applicable.</p> <p>See Conservation Objectives document for Knocksink Wood SAC (Site Code: 000725), 13 Dec 2021, Version 1.</p> <p>Click weblink: <a href="#">Knocksink Wood SAC</a>. Valid as of 22<sup>nd</sup> Dec. 2025</p>	<p>The main potential for adverse effects from the proposed development would be through changes and alterations to the dynamics of existing groundwater flows and geochemistry patterns on the qualifying interests associated with this SAC. See 'Summary of key issues that could give rise to adverse effects' above.</p>	<p>The Applicant's AA Screening Report and NIS (Section 6.3) sets out the proposed mitigation measures to address the potential adverse effects from the proposed development.</p> <p>The measures are detailed and lengthy and have been taken into consideration as part of this assessment.</p>

**Note:** The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects view of conservation objectives:**

Summary of key issues that could give rise to adverse effects (from screening stage):

**i) Accidental pollution incident and/or run-off of contaminated waters via groundwater pathways**

Potential to impact on groundwater quality in the absence of mitigation, through accidental spillages of hydrocarbons, fuels, lubricants, cement or other potential pollutants, during construction works, for example, during refuelling and routine maintenance or improper control and management of wastewater discharges from temporary on-site welfare facilities). These potential sources of contamination have the potential to significantly impact on groundwater quality in the underlying shallow groundwater system and could temporarily affect groundwater discharging to the Knocksink Wood SAC. Pathways to local groundwater and groundwater influenced habitats could reach \*Petrifying Springs [\*7220] and also \*Alluvial Forests [\*91E0]. [However, the Old Oak Woodlands [91A0] are on elevated ground, are not groundwater dependent, and therefore cannot be impacted by any groundwater pathway.]

**ii) Run-off of sediment via surface water pathways**

Silt-laden runoff from the construction site could potentially be released into the natural surface water drainage network with pathways to the qualifying interest habitats in Knocksink Wood SAC. An increase in suspended sediment load could also have negative impacts on downgradient alluvial forest woodlands and Old sessile oak woods.

**iii) Groundwater Flows towards Knocksink Wood SAC Altered / Reduced**

The Knocksink Wood SAC QI habitats could potentially be at risk from alterations to the natural hydrogeology during the operation of the proposed development. This is depending on the volume of water redirected away from its natural watercourse and whether it is of a sufficient magnitude to affect the water levels within the European Site and the catchment zone for the tufa springs within the SAC. This includes \*Petrifying Springs [\*7220] and \*Alluvial Forests [\*91E0].

I note that the replacement of existing greenfield surfaces with impermeable hardstanding areas (roads, buildings etc) could affect and redirect rainfall recharge to the shallow groundwater flow system serving the site. The Applicant states in their 'Stage 1 Screening & Stage 2 Appropriate Assessment Report' that there will be minimal, albeit slight offsets of <10m, of recharge within

each unit/house. This will have no consequence to wider shallow groundwater recharge and groundwater flows. They also state that roadway and footpath drainage will be directed towards soakaways for point recharge at three locations. Overall, they submit, there will be no net reduction in groundwater recharge or groundwater flow as a result of the proposed development.

However, I note the comments from the Inspectorate's Senior Scientist in this regard. A different view is adopted, which is that this **habitat is a dynamic habitat in that any changes or a reduction to water supply would likely have a significant impact** (emphasis added.). The hydrological regime is of critical importance for the survival of this feature (i.e., petrifying springs), such that petrifying springs require permanent irrigation from upwelling of groundwater sources and that waterflows should not be altered anthropogenically.

#### **iv) Surface water and groundwater impacts**

Surface water runoff from roads and car parking surfaces could contain higher levels of contaminants, such as hydrocarbons and suspended solids. This could alter pH or nutrient concentrations in groundwater. The use of fertilizers and pesticides, for example, in private gardens and on open space areas, could also impact on groundwater quality. Such contaminants could potentially impact local downstream groundwater and surface water quality, including at \*Petrifying Springs [\*7220], \*Alluvial Forests [\*91E0], and Old sessile [91A0].

#### **v) Anthropogenic Pressures**

The Applicant's AA Screening and NIS notes that there is an existing informal track into the woodland roughly 200m from the boundary of the proposed development. They go on to state that in the absence of mitigation, the proposed development could result in an increase in footfall within the SAC. Therefore, there is potential for adverse impacts on Knocksink Wood SAC from increased anthropogenic activity, including trampling the Qualifying Interest habitats (particularly along undesignated paths), littering, and the spreading of non-native invasive plant species into the woodland through the fly-tipping of garden waste.

However, there would be mitigation, which would prevent significant effects, including through preventing direct access from the proposed development to the SAC, installing educational signage to identify official entrances and pathways to the Wood, and placing and managing bins within the proposed scheme to discourage fly tipping.

See Section 6 of the Applicant's AA Screening Report and NIS ('Appraisal of Potential Impacts on European sites') for further details and information regarding potential adverse effects.

### **Residual Effects**

It has been concluded that, in the absence of mitigation, the proposal has potential for significant water quality disturbance/displacement impacts on the Knocksink Wood SAC, to which the proposed development is hydrologically connected.

Detailed mitigation measures have been prescribed with regard to the protection of water quality, aquatic habitats and water-dependant species, in particular during the construction phase of the proposal. Further mitigation measures are proposed to reduce / address the other potential adverse effects of the proposal, as outlined under above.

However, as noted in the report prepared by the Inspectorate's Senior Scientist, the Petrifying springs with tufa formation is a dynamic habitat in that any changes or a reduction to water supply would likely have a significant impact. The hydrological regime is of critical importance for the survival of this feature. The report states petrifying springs require permanent irrigation from upwelling of groundwater sources and water flows should not be altered anthropogenically. The Inspectorate's Senior Scientist concludes by stating that the potential for significant effects from the proposed development cannot be ruled out even with the mitigation measures as proposed.

### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the Applicant's AA Screening and NIS. Plans and projects that could act in combination with the proposed development are detailed and assessed.

### **Findings and conclusions**

The Applicant determined that, following the implementation of mitigation measures, the construction and operation of the proposed development alone, will not adversely affect the integrity of this European site. However, based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European Site screened in and considered as part of the Appropriate Assessment.

No direct impacts are predicted. However, it is considered that indirect impacts would potentially be permanent in nature and the mitigation measures described are not sufficient to prevent the possibility of an altered groundwater geochemistry and changes to groundwater flow dynamics across the subject site. This would have the potential to have significant adverse effects for the European Site (Knocksink Wood SAC, 00725). This is due to the nature of the proposed development, and the nature and composition of the soil and subsoil medium across the subject lands and intervening areas separating the appeal site from the priority habitats, which, in this instance are the 7220 Petrifying springs with tufa formation (Cratoneurion) and 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae).

It is considered that the Applicant has not adequately addressed the potential for alterations to the geochemistry system which may occur as a result of the proposed development. Surface water volumes and its distribution across the site will likely be altered and, as noted by the Inspectorate's Senior Scientist, this cannot be ignored. Given the design and location of proposed individual soakaways and the three larger soakaways, it is considered that rainwater would no longer be filtered in the same manner through the soil and subsoil media across the land and consequently the geochemical composition of the groundwaters underlying the site would be inadvertently altered.

In conclusion, I am not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of this European Site (Knocksink Wood SAC, Site Code: 00725) in view of the site's Conservation Objectives. In such circumstances, I consider the Commission is precluded from granting permission and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **Scientific Doubt Remains**

There remains scientific doubt that the proposed development may lead to a reduction or loss of habitat or disturbance to certain qualifying interests associated with this European Site.

On the basis of the information provided with the application, appeals, and other submissions, including the Applicant's AA and NIS, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of Knocksink Wood SAC (Site Code: 000725), in view of this Site's Conservation Objectives (Petrifying springs with tufa formation (Cratoneurion) [7220] and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*) [91E0]).

It is considered the geochemical composition of the groundwaters underlying the subject lands could be inadvertently altered, which could potentially adversely affect the Site's Qualifying Interests and, whereby under such circumstances, the Commission is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

### **Site Integrity**

In conclusion, adverse effects on the site's integrity cannot be excluded, and reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Knocksink Wood SAC (Site Code: 000725) in view of the conservation objectives of this Site and that Appropriate Assessment under the provisions of S177V / 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account the appeals, submissions and observations, I consider that adverse effects on site integrity of the Knocksink Wood SAC (Site Code: 000725) cannot be excluded in view of the conservation objectives of this Site and that reasonable scientific doubt remains.

My conclusion is based on the following:

- a detailed assessment of construction and operational impacts,
- the Specialist Report prepared by the Inspectorate's Senior Scientist, which *inter alia* addresses the hydrogeological aspects associated with the subject site and its receiving environment,
- the potential for alterations to the existing geochemistry system which may occur as a result of the proposed development.
- the effectiveness of the mitigation measures proposed, and
- that the proposed development would potentially affect the attainment of conservation objectives for the Knocksink Wood SAC (Site Code: 000725), including the prevention or delay in the restoration of favourable conservation conditions for Petrifying springs with tufa formation (Cratoneurion) and the continued maintenance of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae), respectively.

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix C: EIA Pre-Screening (Form 1)

<b>Case Reference</b>	ABP-314763-22
<b>Proposed Development Summary</b>	The overall proposed scheme (Parts 1 and 2) accounts for a total of 129 no. units. It also includes employment and enterprise hub, community facility, crèche, vehicular access points, internal road infrastructure, car parking and landscaping. These are within the red line boundary for both applications which means each proposal could be implemented independently, or concurrently, as required. For this reason, and given the interrelationship between the two applications, it is appropriate to assess each development proposed jointly for the purposes of EIA.
<b>Development Address</b>	The subject site is roughly 1km west of Enniskerry village centre and 5.5km west of Bray. The R117 / N11 Kilcronney Cross interchange is approximately 3km to the east of the site.
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.

<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	NA
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for Class 10(b)(iv) urban development which would involve an area greater than 2 hectares (business district) 10 hectares (built up area) or 20 hectares (elsewhere).</p> <p>The full length of field boundary (hedgerows) to be removed comprises small sections only. This is well below the 4km</p>

	<p>threshold specified in the Regs. No re-contouring of the land of any note is required to facilitate the works.</p> <p>The Applicant has submitted Schedule 7A information. See EIA Screening Determination (Form 3) below.</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
<b>Yes</b> ✓	Schedule 7A information has been submitted as part of the Applicant's Appeal Response. Screening Determination required (Complete Form 3)
<b>No</b>	

**Inspector:** Ian Boyle

**Date:**

## Appendix D: EIA Screening Determination (Form 3 - EIA Screening Determination)

A. CASE DETAILS	
An Bord Pleanála Case Reference	ABP-314763-22
Development Summary	<p>The proposed development is for the construction of a mixed-use scheme comprising:</p> <ul style="list-style-type: none"><li>• 31 no. dwellings:<ul style="list-style-type: none"><li>- 8 no. 3-bedroom terraced houses,</li><li>- 5 no. 3-bedroom semi-detached houses,</li><li>- 11 no. 4-bedroom semi-detached houses, and</li><li>- 7 no. 5-bedroom detached houses</li></ul></li><li>• Enterprise and employment hub at the entrance to the proposed development (c. 2,752sqm).</li><li>• Community building.</li><li>• Childcare facility.</li><li>• 2 no. vehicular access points off the Glenree Road.</li><li>• Public footpath and lighting upgrades along the Glenree Road in the direction of the town centre.</li></ul>

	<p><u>Note on Concurrent Applications</u></p> <p>The proposed development comprises 'Part 1' of a two-part planning application approach. A separate, concurrent appeal is currently before the Board for consideration (ABP Ref. ABP-314765 refers). This other application is for the construction of 98 no. dwellings and is referred to 'Part 2' in the relevant planning documentation.</p> <p>Part 1 (subject application / ABP Ref. ABP-314763) mainly comprises the rear (northern) and western sections of the subject lands. It accounts for roughly 24% of the overall proposed residential units.</p> <p>Part 2 (separate application / ABP Ref. ABP-314765) mainly comprises the front (southern) and central sections of the site. It accounts for roughly 76% the overall proposed residential units.</p> <p>The overall proposed scheme (Parts 1 and 2) therefore accounts for a total of 129 no. residential units.</p>	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	<b>Yes</b>	Concluded that in having regard to nature and scale of the proposed development on zoned lands, which are served by public infrastructure and are at the edge of an existing urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. It was therefore considered that an Environmental Impact Assessment Report (EIAR) for the proposed development is not required.

2. Has Schedule 7A information been submitted?	Yes	Included as Appendix 8 of Applicant's Response ('EIAR Screening Prepared by AWN').	
3. Has an AA screening report or NIS been submitted?	Yes	The application is accompanied by an NIS.	
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	/	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<ul style="list-style-type: none"> <li>• Stage 1 Screening and Stage 2 Appropriate Assessment (Natura Impact Statement)</li> <li>• EIA Screening Report</li> <li>• Construction and Environmental Management Plan,</li> <li>• Ecological Impact Assessment,</li> <li>• Hydrological and Hydrogeological Assessment,</li> <li>• Engineering Assessment Report,</li> <li>• Planning Report</li> </ul>	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity,	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain

		duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	The overall proposed scheme (Part 1 and 2) accounts for a total of 129 no. residential units, an enterprise and employment hub, a community building, a childcare facility, public footpath and lighting upgrades along the Glencree Road on zoned and serviced lands. From an environmental perspective, the nature and scale of the proposed development is not out of character or scale with its receiving environment.	No
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development would result in the alteration of existing farming land and open fields to a mixed-use development. The land is zoned for a mixed-use development and the overall proposed scheme has been designed to take	No

		account of the alterations in topography across site.	
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The proposed construction materials and techniques to be employed are typical of those used in the construction of such urban development. The development of the site would not result in any significant loss of natural resources or local biodiversity.	No
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	The anticipated construction activities may require the use of potentially harmful materials, such as fuels, petro-hydrocarbons and other similar substances. Potential impacts on human health and the environment would be local and temporary. The implementation of measures contained in the Construction Environmental Management Plan would mean any such impacts would be mitigated, however. No significant operational impacts are anticipated.	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	The predicted construction activities will require the use of potentially harmful materials, such as fuel, petro-hydrocarbons and other similar substances and requires disposal as waste.	No

		<p>There would likely be dust, noise and vibration during construction works.</p> <p>However, it is considered construction impacts would be local and temporary in nature. The implementation of mitigation measures contained in the Construction Environmental Management Plan (CEMP) would mean any such impacts would be prevented.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts.</p>	
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The main potential impacts relate to potential increased air pollution, noise, or pollution of groundwater/watercourses as a result of the proposed development during the construction phase. Once operational there would also be potential impacts in terms of visual impact and traffic.</p> <p>The habitat (Knocksink Wood SAC) is a dynamic habitat in that any changes or a reduction to water supply would likely have a significant impact. The hydrological regime is of critical</p>	<p>No (not in terms of EIA)</p>

		<p>importance for the survival of this feature.</p> <p>Petrifying springs (Qualifying Interest) require permanent irrigation from upwelling of groundwater sources, and waterflows should not be altered anthropogenically. The Inspectorate's Senior Scientist states that potential significant effects from the proposed development for the purposes of AA cannot be ruled out with mitigation for this reason.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	No	<p>There is potential for short-term construction activity to cause noise and vibration. However, such emissions would be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the CEMP.</p> <p>Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts. The construction activities will be limited to take place only in accordance with the permitted construction times. No works will take place outside of these hours.</p>	No

<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to noise and dust emissions. Such construction impacts would be temporary and localised in nature, however, and the application of the CEMP mitigation measures would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No.</p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>It is considered that there would be no significant risks having regard to the nature and scale of development. Any risks arising from the construction phase would be localised and temporary in nature. The site is not considered to be at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No.</p>
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>No</p>	<p>The proposed overall would result in a change of use from agricultural fields to a mixed-use development and an increased population in this location. This is not regarded as significant given the existing per-urban setting of the site, the surrounding pattern of land uses and its receiving environment, which comprises several residential estates. A small number of jobs would be</p>	<p>No.</p>

		created, thus, generating employment for Enniskerry.	
1.11 Is the project part of a wider largescale change that could result in cumulative effects on the environment?	Yes	<p>The proposed development comprises 'Part 1' of a two-part planning application approach. Part 1 (subject application / ABP Ref. ABP-314763) mainly comprises the rear (northern) and western sections of the subject lands. It accounts for roughly 24% of the overall proposed residential units.</p> <p>Part 2 (separate application / ABP Ref. ABP-314765) mainly comprises the front (southern) and central sections of the site. It accounts for roughly 76% the overall proposed residential units.</p> <p>The overall proposed scheme (Part 1 and 2) accounts for a total of 129 no. residential units.</p> <p>However, it is not considered that the overall development would result in any significant cumulative effects on the environment and it is noted that the land is zoned appropriately for the proposed uses.</p>	No.

2. Location of proposed development			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>• European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>• NHA/ pNHA</li> <li>• Designated Nature Reserve</li> <li>• Designated refuge for flora or fauna</li> <li>• Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Yes	<p>The subject lands are not directly within a European Site.</p> <p>The potential ecological impacts of proposed development have been considered in terms of the sensitivity of the location through the Ecological Impact Assessment (EclA) and AA + NIS which are on the file.</p> <p>The NIS confirms that the subject lands comprise the following habitats: Improved Grassland (GA1), Dry Calcareous Grassland - Improved (GSi1), Hedgerows (WL1) Moderate Value, Hedgerows (WL1) Poor Value, and Scrub (WS1).</p> <p>There are a total of 10 no. SACs and 4 no. SPAs located within the Zone of Influence (ZOI) (see Table 4.1 of the EIA Screening Report). The closest of these are listed as follows:</p> <ul style="list-style-type: none"> <li>- The Knocksink Wood SAC (Site Code: 000725) is roughly 200m to the northeast.</li> <li>- The Ballyman Glen SAC (Site Code: 000713) is roughly 1.5km to the northeast.</li> </ul>	No (not in terms of EIA).

		<ul style="list-style-type: none"> <li>- The Wicklow Mountains SAC (Site Code: 002122) is roughly 2.2km to the west.</li> <li>- The Wicklow Mountains SPA (Site Code: 004040) is roughly 2.7km to the west.</li> <li>- The Bray Head SAC (Site Code: 000714) is roughly 5.8km to the east.</li> <li>- The Rockabill to Dalkey Islands SAC (Site Code: 003000) is roughly 8.5km to the northeast.</li> </ul> <p>Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account the appeals, submissions and observations, it is considered that adverse effects on site integrity of the Knocksink Wood SAC (Site Code: 000725) cannot be excluded in view of the conservation objectives of this Site and that reasonable scientific doubt remains. This is based on the following:</p> <ul style="list-style-type: none"> <li>• a detailed assessment of construction and operational impacts,</li> </ul>	
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		<ul style="list-style-type: none"> <li>• the Specialist Report prepared by the Inspectorate’s Senior Scientist, which <i>inter alia</i> addresses the hydrogeological aspects associated with the subject site and its receiving environment,</li> <li>• the potential for alterations to the existing geochemistry system which may occur because of the proposed development.</li> <li>• the effectiveness of the mitigation measures proposed, and</li> <li>• that the proposed development would potentially affect the attainment of conservation objectives for the Knocksink Wood SAC (Site Code: 000725), including the prevention or delay in the restoration of favourable conservation conditions for Petrifying springs with tufa formation and the continued maintenance of Alluvial forests, respectively.</li> </ul>	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or	Yes	The proposed development could potentially result in significant impacts to protected,	No (not in terms of EIA).

<p>around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>		<p>important or sensitive species. However, biodiversity protection measures are included as part of overall development proposal, such as directing development further away from sensitive environmental habitats and ecosystems, including the Knocksink Wood SAC (Site Code: 000725), and through the application of species-sensitive lighting.</p> <p>The proposal also includes biodiversity measures through landscaping and the planting of native species which are biodiversity-friendly and would provide good opportunities for food, shelter and nesting. In relation to bats, no roosting areas were found on site during the survey work, and the proposed development is not within, or in proximity to, a European Site whereby bats are a qualifying interest. No buildings are in situ on the site and no trees with bat roosting potential are proposed to be felled. The majority of hedgerows where bat foraging was recorded are to be retained and supplemented with additional native</p>	
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		<p>plant species. Lighting would comply with bat lighting guidelines.</p> <p>However, the habitat(s) associated with the Knocksink Wood SAC is a dynamic habitat in that any changes or a reduction to water supply would likely have a impact. The Inspectorate's Senior Scientist notes that its hydrological regime is of critical importance for the survival of this feature, that petrifying springs require permanent irrigation from upwelling of groundwater sources, and water flows should not be altered anthropogenically. Therefore, it is considered that potential effects from the proposed development cannot be ruled out in terms of AA, even with the mitigation measures proposed.</p>	
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes.</p>	<p>There is no recorded zone of archaeological potential associated with Enniskerry. However, the subject lands contain a recent addition to the Record of Monuments and Places (RMP). Following test trenching under licence this was found not to be an archaeological feature. The site is located adjacent to a Recorded Monument</p>	<p>No.</p>

		<p>to the north, which is an unclassified megalithic tomb.</p> <p>The excavation of these features in advance of the construction of the development, although resulting in their removal, will add to the academic understanding of the history of the area through archaeological research and reporting. Therefore, the overall impact of the proposed development on archaeological heritage is deemed to be neutral, not significant, and long term.</p> <p>There is no likelihood of significant effects on the environment arising from the proposed development in respect of cultural heritage and archaeology during the construction phase. The residual effect is not significant, and therefore a requirement for sub-threshold EIA does not arise.</p> <p>The site is currently used for agricultural purpose and therefore could potentially contain previously unrecorded archaeological features and deposits. In this regard, I note that geophysical and test trenching was undertaken which resulted in a</p>	
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		<p>minor find. This is proposed to be archaeologically excavated and monitored during the construction phase.</p> <p>It is not anticipated that the proposed development will impact the recorded monuments or the Enniskerry ACA.</p> <p>The Planning Authority received a submission from the Department of Housing, Local Government and Heritage (Archaeological Unit) on the 31<sup>st</sup> August 2022, which raised no objection to the proposal subject to condition</p>	
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No	No such features arise in this location.	No
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	No	Prior to the commencement of construction, mitigation measures will be put in place to ensure the protection of surface water during works.	No

		<p>The development will implement SUDS measures including attenuation of surface water to control run-off and flow rates during the operational phase.</p> <p>The Site-Specific Flood Risk Assessment included in the Engineering Services Report confirms the proposed development is at low risk of flooding. Water resources would not be at risk due to the proposed development.</p>	
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>The land slopes gradually downwards from the west (higher ground) to the east and northeast (lower ground). This is in the general direction of the Glencullen River and Knocksink Wood.</p> <p>It is considered that the overall development would require shallow cut and fill to accommodate the new scheme. There would also be standard excavation works required to accommodate the required underground services. Standard construction measures however would safeguard risk to any sensitive receptors in terms of potential subsidence, landslides, or erosion.</p>	<p>No</p>

<p>2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>Yes</p>	<p>The site is served by a local road network, including the Glencree Road (L1011) which runs parallel to the southern boundary of the site.</p> <p>No significant contribution to traffic congestion is anticipated to arise from the proposed development, however. The overall development proposes a series of pedestrian and road infrastructure works to improve connectivity between the subject lands and Enniskerry town centre. This includes new sections of footpath and dedicated pedestrian crossing points. Certain other parts of existing footpaths are to be upgraded and repaired as part of the proposed works.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>No</p>	<p>No significant construction or operational impacts are expected.</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 <b>Cumulative Effects:</b> Could this project together with existing and/or approved development result in</p>	<p>No</p>	<p>The project comprises two separate planning applications which are interlinked for the purposes of achieving a single development.</p>	<p>No</p>

cumulative effects during the construction/ operation phase?		<p>The overall proposed scheme (Part 1 and 2) accounts for a total of 129 no. residential units.</p> <p>It is not considered that the overall development would result in any significant cumulative effects in terms of either the construction phases or operational phase.</p> <p>There are no further existing or approved developments in the area which would be likely to result in cumulative effects during the construction or operational phases of the development.</p>	
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
<b>3.3</b> Are there any other relevant considerations?	No	<p>No. The surrounding area is mainly characterised by existing residential housing and farming land.</p> <p>The proposed development would not be out of place with the existing character of the surrounding area and there would be real likelihood of significant effects on the environment for the purpose of EIAR.</p>	No

C. CONCLUSION		
No real likelihood of significant effects on the environment.	<b>X</b>	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p><b>EIAR not Required</b></p> <p>Having regard to: -</p> <ol style="list-style-type: none"> <li>1. the criteria set out in Schedule 7, in particular <ol style="list-style-type: none"> <li>a) the limited nature and scale of the proposed development, which is adjacent to existing residential housing and in an area served by public infrastructure,</li> <li>b) the location of the proposed development on lands assigned a specific ‘action area 2 (AA2) – Parknasilloge’ objective within the Bray Municipal District Local Area Plan 2018, and subject to the provisions of the Wicklow County Development Plan 2022-2028,</li> <li>c) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone,</li> <li>d) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),</li> </ol> </li> </ol>		

e) the mitigation measures that would be required to avoid or prevent what might otherwise be significant effects on the environment, including measures provided as part of the Construction and Environmental Management Plan, the Ecological Impact Assessment, the Hydrological and Hydrogeological Assessment, the Engineering Services Report and Stage 1 Screening and Stage 2 Appropriate Assessment (Natura Impact Statement),

f) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003), and

2. the features and measures proposed by the applicant which are envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

the Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

**Inspector:** Ian Boyle

**Date:**

## Appendix E: Water Framework Directive (WFD) Impact Assessment – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	ABP-314763-22	<b>Townland, address</b>	The subject site comprises mainly greenfield lands. It is roughly 1km west of Enniskerry village centre and 5.5km west of Bray. The R117 / N11 Kilcrouney Cross interchange is approximately 3km to the east of the site.
<b>Description of project</b>		<p>The proposed development comprises part of two-part planning application approach which is for a new mixed-use development proposal.</p> <p>Part 1 (ABP Ref. ABP-314763) mainly comprises the rear (northern) and western sections of the subject lands. It accounts for roughly 24% of the overall proposed residential units.</p> <p>Part 2 (ABP Ref. ABP-314765) mainly comprises the front (southern) and central sections of the site. It accounts for roughly 76% of the overall proposed residential units.</p> <p>The overall proposed scheme (Parts 1 and 2) accounts for a total of 129 no. residential units as well as enterprise and employment, community, and childcare uses, and ancillary works.</p> <p>A full description of the project is provided in Section 2.0 above.</p>	

**Brief site description, relevant to WFD Screening,**

Soils are mapped in the area as shallow, well-draining, mineral soils derived from mainly basic parent (BminSW). I note that alluvium is mapped to the north and northeast of the site, which is consistent with the Glencullen River.

The GSI subsoils map ([www.gsi.ie](http://www.gsi.ie)) indicates that the site is underlain by Gravels derived from Limestone (GLs).

In terms of bedrock geology, the GSI bedrock map for the region shows that the site is underlain by the Maulin Formation, dark blue-grey slate, phyllite and schist. The bedrock unit is Ordovician in age, with the bedrock section outcropping at Maulin Mountain. Maulin Mountain is roughly 4.5km to the southwest of the site.

In terms of hydrology, the site is in the Ovoca-Vartry regional surface water catchment. This is within Hydrometric Area 10 (HA10) of the Eastern River Basin District ([www.epa.ie](http://www.epa.ie)). The subject lands currently drain to the Glencullen River which merges with the Dargle River approximately 2.5km to the southeast of the site.

The site itself is drained by the Glencullen River which is c. 200m northeast of the eastern site boundary. There are no notable surface water features within the site. However, there appears to be a small stream emerging from a spring source along a field boundary near the middle of the site. There is a dug well at this point also, which is seemingly used for agricultural purposes.

I note that there are two EPA surface water monitoring stations a short distance upstream of the site on the Glencullen River. They are roughly 500m away and a Q rating of 3 is recorded (WFD status – moderate). Downstream of the site, approximately 1km southeast of Enniskerry town and 500m from the confluence

		<p>between the Glencullen River and the Dargle a Q rating of 4-5 is achieved (WFD status – good / high).</p> <p>The subject site is not directly located within a European Site. The Knocksink Wood SAC (Site Code: 000725) is roughly 200m to the northeast.</p> <p>The Hydrological &amp; Hydrogeological Assessment Report (under Appendix XIII) provides an assessment of the proposal against the WFD. [I note that the report incorrectly states that the proposed development is for 219 no. residential units under Section 1.1.]</p>				
<b>Proposed surface water details</b>		Public Sewer / Drain with capacity.				
<b>Proposed water supply source &amp; available capacity</b>		Public Mains with capacity.				
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Wastewater to be conveyed to the municipal WWTP which has capacity.				
<b>Others?</b>		No.				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m) approx.</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)</b>

1. River	200m north	Glencullen_020	Good	Not at risk	None identified – confirm this!	Yes. Surface water connection.
2. River	1km south	Dargle_20	High	Not at risk	None identified	No. Upstream of site.
3. River	3.6km east	Dargle_30	Good	Under Review	None identified	Yes, but weak due to distance.
4. River	5.3km east	Dargle_40	Good	Not at risk	None identified	Yes, but weak due to distance.
5. Transitional	5.6km east	Dargle Estuary	Moderate	Under Review	Anthropogenic pressures	Yes, but weak due to distance.
6. Groundwater Body	Underlying the site.	Wicklow GW Body	Good	At risk	None identified	Yes, underlying the site.
7. Groundwater Body	Underlying the site.	Enniskerry Gravels GW Body	Good	Not at risk	None identified	Yes, underlying the site.

**Note:** The Applicant's Hydrological & Hydrogeological Assessment Report (Appendix XIII) provides an assessment of the proposal against the WFD. The assessment includes a greater number of waterbodies, and their status, than which I have listed above. However, I do not consider that there is any ecological justification for such a wide consideration of sites due to their distal location and absence of a clear hydrological link to the subject lands.

Therefore, I have only included those sites (waterbodies, etc.) which have a possible ecological connection or pathway for the purposes of assessing the WFD. These sites are listed above under Step 2 of my assessment.

**Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2.</b>  <b>Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Dargle_30	Downstream pathway	Site levelling, car park area levelling, and other earthworks would remove vegetative cover and require the excavation of soil and subsoils. This could result in increased surface water runoff from bare soil and soil storage areas which, in turn, could lead to a release of suspended solids and an increase in the	Various construction practices and mitigation measures are proposed. (See Section 4.3.2 of Hydrological & Hydrogeological Assessment Report.)	No. During the construction phase, works will be undertaken in accordance with the CEMP.	<b>No. Screened out.</b>  Good construction management practices will minimise the risk of pollution from construction activities.

			<p>suspended sediment load. This may lead to increased turbidity affecting the water quality and fish stocks of downstream waterbodies, including the Glencullen River and Dargle River.</p> <p>The above may see a deterioration in the overall status of the Glencullen_020 SWB due to its proximal location to the proposed development.</p> <p>However, further downstream the status of the Dargle_030 and Dargle_040 river waterbodies would be unlikely to be impacted even in an unmitigated scenario.</p> <p>This is mainly due to the distances involved from the subject lands.</p> <p>An accidental spillage during refuelling of plant with petroleum</p>			
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				hydrocarbons is a major pollution risk to groundwater. The accumulation of small spills of fuels and lubricants during routine plant use can also be a risk. Chemicals such as paints and detergents also pose a threat to the groundwater environment. Potential accidental wastewater discharges from temporary onsite welfare facilities have the potential to impact groundwater quality, while I consider runoff from concrete works could impact both surface water and groundwater quality.			
3.	Surface	Dargle_40	Downstream pathway	As above.	As above.	As above.	<b>No.</b> Screened out. As above.
4.	Surface	Dargle Estuary (IE_EA_110_	Downstream pathway	As above.	As above.	As above.	<b>No.</b> Screened out. As above.

		0100) and Southwestern Irish Sea - Killiney Bay (HA10) (IE_EA_110_0100)					
5.	Surface	Southwestern Irish Sea - Killiney Bay (HA10) (IE_EA_110_0100)	Downstream pathway	As above.		As above.	<b>No.</b> Screened out. As above.
6.	Ground	No data	Underlying the site	As above.	As above.	As above.	<b>No.</b> Screened out. As above.
7.	Ground	No data	Underlying the site	As above.	As above.	As above.	<b>No.</b> Screened out. As above.
<b>OPERATIONAL PHASE</b>							
1.	Surface	Dargle_30	Downstream pathway	Replacement of existing greenfield surfaces with impermeable hardstand could	Various construction practices and mitigation measures	No. During the construction phase, works will	<b>No. Screened out.</b>

				<p>redirect rainfall recharge to the shallow groundwater flow system onsite and alter the local groundwater flow patterns. This could have an adverse impact on the quantitative status of the Enniskerry Gravels GWB.</p> <p>Surface water runoff could contain elevated levels of contaminants, such as hydrocarbons and suspended solids. This could alter pH or nutrient concentrations in groundwater. The use of fertilizers and pesticides could also impact on groundwater quality which, in turn, could impact local groundwater in underlying aquifers.</p> <p>Such contaminants may potentially cause a deterioration in the overall status of the</p>	<p>are proposed. (See Section 4.3.2 of Hydrological &amp; Hydrogeological Assessment Report.)</p>	<p>be undertaken in accordance with the CEMP.</p>	<p>Good construction management practices will minimise the risk of pollution during the operational phase.</p>
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				Glencullen_020 SWB due to its proximal location to the proposed development via surface water overflow. However, further downstream, the status of the Dargle_030 and Dargle_040 river waterbodies would be less at risk.			
3.	Surface	Dargle_40	Downstream pathway	As above.	As above.	As above.	<b>No.</b> Screened out. As above.
4.	Surface	Dargle Estuary (IE_EA_110_0100) and Southwestern Irish Sea - Killiney Bay (HA10) (IE_EA_110_0100)	Downstream pathway	As above.	As above.	As above.	<b>No.</b> Screened out. As above.
5.	Surface	Southwestern Irish Sea -	Downstream pathway	As above.	As above.	As above.	<b>No.</b> Screened out. As above.

		Killiney Bay (HA10) (IE_EA_110_0100)					
6.	Ground	No data	Downstream pathway	As above.	As above.	As above.	<b>No.</b> Screened out. As above.
7.	Ground	No data	Downstream pathway	As above.	As above.	As above.	<b>No.</b> Screened out. As above.
<b>DECOMMISSIONING PHASE</b>							
NA – There is no intention for the project / proposed development to be decommissioned.							

## **Appendix F: Internal Report on Hydrology and Hydrogeology**

[Report prepared by the Inspectorate's Senior Scientist re: Hydrology and Hydrogeology and the Potential Impact on the Knocksink Wood SAC and an Assessment of the Proposed Development against the Water Framework Directive.]

**See Report 'R314763\_App1'**

## **Appendix G: Extract from the Bray Municipal District Local Area Plan 2018-2024**

### **ACTION AREA PLAN 2: PARKNASILLOGE**

'This action area plan shall be developed as a residential, open space, employment and community zone in accordance with the following criteria:

- A minimum area of 2ha shall be reserved as Active Open Space (this is the size of the area currently occupied by Enniskerry GAA). In the event of the relocation of the GAA to an alternative location, this quantum of AOS shall, as a minimum, be maintained within the overall action area. Any alternative AOS shall be maintained available for general public use, shall be suitably sized to allow for organised sporting activities i.e. pitches, courts etc and shall be so located within the action area so as to be easily accessible by the wider community. (Any proposals to redevelop the existing GAA grounds will only be considered when the Planning Authority has been satisfied that suitable alternative lands have been secured for this sporting facility).
- A minimum of 1.2ha shall be reserved for education use.
- A minimum of 0.4ha shall be provided for a community uses, including a community centre of not less than 500sqm and an equipped playground of not less than 400sqm.
- A minimum of 1ha shall be provided for employment uses. Generally, this shall comprise office/studio/surgery type development of the highest architectural quality and layout. A minimum of 0.4ha of this area shall however be reserved for local service and incubator businesses.
- The car park associated with the employment area shall be so located and designed to facilitate tourist use during non-business hours and shall at all times remain available and open for this use.
- A maximum of 156 residential units may be provided on the remainder of the site (8.8ha).
- The development shall be delivered in phases such that adequate education, community and employment facilities are provided for each phase; in

particular, the school site shall be provided in Phase 1 accompanied by no more than 50% of the residential development and the employment facilities shall be provided no later than Phase 2 accompanied by no more than an additional 75% of the residential units.

- A maximum of two vehicular access points onto Local Primary Road L1010 (Enniskerry – Glencree) shall be permitted.
- To achieve a sense of place and allow for visual diversity any residential application should provide for a number of identifiable and distinct housing estates (not exceed 60 units), each containing different house designs within an overall unified theme.
- Full geotechnical and archaeological assessment of the lands shall be undertaken prior to any development taking place.
- Development proposals within the Parknasilloge Action Area shall take cognisance of the requirement to maintain the rate, quality and general areas where groundwater recharge occurs in order to maintain or enhance the recharge supplying the groundwater-dependent habitats of Knocksink Wood SAC. This shall be achieved through the review of existing hydrogeological assessment(s) and the carrying out of new hydrogeological assessment as necessary to inform the development of an appropriate SuDS system(s) throughout any development site and taking into account the cumulative in-combination impact of other development.